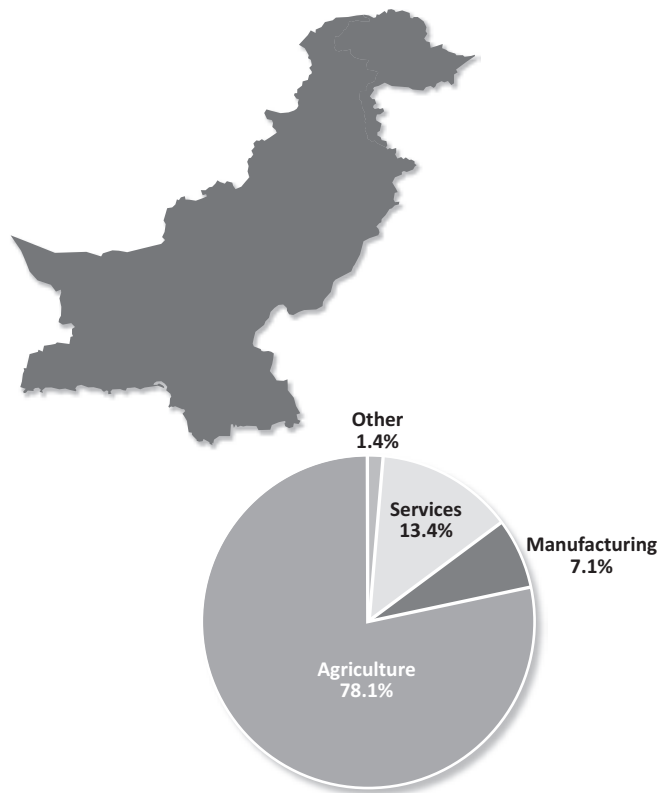


Pakistan

The Government of Pakistan participates in several projects that aim to eliminate the worst forms of child labor; however, children are still engaged in the worst forms of child labor in agriculture and are often subjected to bonded labor. Significant gaps remain in the legal framework and enforcement efforts to address the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	16.4%
Attending School	10-14 yrs.	64.9%
Combining Work and School		Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor³⁹²³

Children in Pakistan are exploited in the worst forms of child labor, primarily in agriculture, where they may engage in unsafe and unhealthy activities such as the use of dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.³⁹²⁴ Children also work in manufacturing where, in the glass bangle sector, they are exposed to high temperatures and toxic chemicals.³⁹²⁵ Children are also found working in carpet weaving, informal construction, transport, leather tanning, deep-sea fishing, and the surgical instrument industry each of which has been classified by the Government as hazardous.³⁹²⁶

Children in urban areas are often employed as domestic servants where they may be vulnerable to sexual abuse.³⁹²⁷

Children of Afghan refugees, who live along the borders of Pakistan, are especially susceptible to street work including rag picking and collecting waste.³⁹²⁸ Children working on the streets are exposed to a variety of dangers, which may include exposure to

severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Other worst forms of child labor also exist in Pakistan including forced child labor, child trafficking, child soldiering, and using children in illegal activities. Some children are forced to work as bonded laborers in the brick industry, carpet weaving, agriculture, and coal mining.³⁹²⁹ Often, bonded laborers are unable to pay their debts. Their movements may be restricted by armed guards and they may be subject to violence or being resold.³⁹³⁰

Child trafficking continues to be a problem with children kidnapped, rented, or sold to work in agriculture, domestic service, prostitution, or as beggars.³⁹³¹ Girls who are sold into forced marriages are sometimes subsequently trafficked internationally for prostitution.³⁹³² Despite concerted efforts to eliminate the practice, there is evidence that boys are still trafficked to the Gulf States to work as camel jockeys.³⁹³³

There are reports of children being used by non-state militant groups in armed conflict.³⁹³⁴ Non-state groups kidnap children or coerce parents into giving away

their children to spy, fight, or die in suicide attacks.³⁹³⁵ Reports indicate that children as young as age 11 are recruited by pro-Taliban insurgents and trained as suicide bombers.³⁹³⁶

Children along the border with Afghanistan are used in illegal smuggling operations. These children carry heavy loads of small arms, drugs, and household goods across the border.³⁹³⁷ Occasionally these children have dangerous encounters with law enforcement, and some children have been shot and killed by border police.³⁹³⁸

Laws and Regulations on the Worst Forms of Child Labor

Under the 1991 Employment of Children Act, children of any age may be employed, provided that those under the age of 14 are not employed in occupations or processes deemed hazardous by the Government.³⁹³⁹ Among the four occupations and 34 processes considered hazardous for children are manufacturing, mixing, and applying pesticides and insecticides; working at railway stations or ports; carpet weaving; construction; working in the glass bangle industry; and manufacturing of cement, explosives, and other products that involve the use of toxic substances.³⁹⁴⁰ Brick making, a sector in which many child laborers work, including some bonded child laborers, is not specifically included on the list of prohibited hazardous occupations or processes. Further, the list of hazardous labor only prohibits occupations and processes for children under the age of 14, leaving children age 15 to 17 unprotected from dangerous or harmful work.

Bonded labor, forced labor, and human trafficking are prohibited by law. The Bonded Labor System Abolition Act (BLAA) of 1992 eliminates the liability of bonded laborers to repay their debt and frees property tied to this debt.³⁹⁴¹ Part II of The Constitution of Pakistan outlaws all forms of forced labor.³⁹⁴² The Prevention and Control of Human Trafficking and Smuggling Ordinance 2002 prohibits the trafficking of children internationally for exploitive activities.³⁹⁴³ Sections 17 through 23 of the Government of Pakistan's Emigration Ordinance apply to the prosecution of internal trafficking cases.³⁹⁴⁴




The purchase or sale of a person for the purpose of prostitution is outlawed by the Pakistan Suppression of Prostitution Ordinance 1961.³⁹⁴⁵ Pakistan's laws do not specifically prohibit child pornography, but the

Penal Code outlaws the circulation of any "obscene material."³⁹⁴⁶

Pakistan does not have military conscription. The minimum voluntary recruitment age is 17.³⁹⁴⁷

During the reporting period, initial efforts were made to enhance Pakistan's legal framework against the worst forms of child labor. In 2009, the Ministry of Social Welfare drafted the Child Protection Bill 2009 to criminalize child seduction, child pornography, cruelty to children, internal child trafficking and child abuse.³⁹⁴⁸ A draft Employment and Services Conditions Act 2009 has also been developed that would, if enacted, make it unlawful to employ children under the age of 14 in any sector.³⁹⁴⁹ The Government also formed a committee to hold nationwide, multi-stakeholder consultations to draft amendments to strengthen the 1992 Bonded Labor Abolition Act.³⁹⁵⁰

However, the Government of Pakistan has yet to adopt any of the draft legislation.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	No
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	14

Institutional Mechanisms for Coordination and Enforcement

The Child Labor Unit of the Federal Ministry of Labor collaborates with Provincial Labor and Manpower Departments, workers' and employers' organizations,

NGOs, and ILO to provide analysis and to facilitate implementation of child labor policy.³⁹⁵¹ Child Labor Resource Cells (CLRC) conduct research, build capacity, and coordinate child labor activities at the provincial level.³⁹⁵²

In 2009, the Ministry of Social Welfare began to implement its Child Protection Management Information System (CPMIS). It collects data from police, child protection agencies, detention centers, and other organizations regarding child trafficking, family care, sexual exploitation, violence against children, and juvenile justice.³⁹⁵³ Data from the CPMIS is not yet available and therefore, the monitoring system's effectiveness can not be assessed.³⁹⁵⁴

Local vigilance committees are responsible for supervising the implementation of the BLAA, assisting in rehabilitating bonded laborers, and helping them achieve the objectives of the law.³⁹⁵⁵ The committees include the deputy commissioner of each district, representatives from the police, judiciary, municipal authorities, workers, and employers.³⁹⁵⁶

District magistrates are authorized to implement the BLAA; however, their positions have since been eliminated.³⁹⁵⁷ Furthermore, feudal landlords affiliated with political parties or acting as local officials use their influence to protect their involvement in bonded labor. These circumstances contrive to hamper the effectiveness of BLAA enforcement and as yet, there have been no convictions under the Act.³⁹⁵⁸

Provincial departments of labor and labor courts perform inspections in industrial areas and markets to identify child labor violations and pursue legal action against employers.³⁹⁵⁹ The number of inspectors or inspections completed nationwide is unknown. However, in Khyber Pakhtunkhwa Province (formerly known as the North West Frontier Province), which has the highest ratio of working children among all Pakistani provinces, 808 child labor inspections were carried out in industrial and commercial establishments including shops, hotels, restaurants, markets, and mechanic shops.³⁹⁶⁰ NGOs and child protection centers report that police and labor inspectors cooperate with them and refer children to protective services.³⁹⁶¹ In the same province, the Provincial Department of Labor initiated 151 child labor prosecutions in 2009, and decided 89 cases

resulting in warnings and fines being assessed against offenders.

In the provinces of Sindh and Punjab, the Departments of Labor held trainings for labor officers and inspectors on the worst forms of child labor, child exploitation, and forced child labor. The Punjab Government also developed a training kit for labor inspection officers on child labor issues.³⁹⁶²

According to the ILO, inspections do not take place in establishments employing less than 10 people, which is where most child labor occurs. Further, the All Pakistan Federation of Trade Unions reports that labor inspection responsibilities have been transferred to local bodies which are often headed by industrialists or feudal lords, and the inspectorates are therefore, subservient to them.³⁹⁶³ These constraints in the labor inspection system reduce the likelihood of reported child labor violations, making prosecution, conviction, and punishment of violators unlikely.³⁹⁶⁴

The Anti-Trafficking Unit of the Federal Investigation Agency (FIA) is the lead agency responsible for enforcing transnational trafficking-related laws.³⁹⁶⁵ FIA has approximately 700 officers to investigate all federal crimes, including child trafficking.³⁹⁶⁶ The FIA carried out 649 trafficking investigations in 2009 and convicted 385 people under the Prevention and Control of Human Trafficking and Smuggling Ordinance 2002.³⁹⁶⁷ At least three of these were child traffickers. FIA cooperates with other governments on trafficking cases, operates a hotline for victims, and publishes information on anti-trafficking efforts on its website.³⁹⁶⁸ In 2009, FIA offered anti-human trafficking training to 250 officials and police in four cities with topics including child labor trafficking victim identification, interviewing, and case investigation.³⁹⁶⁹

Government Policies on the Worst Forms of Child Labor

The Government of Pakistan's 2000 National Policy and Plan of Action to Combat Child Labor (NPPA) highlights three objectives: to withdraw children from hazardous occupations, rehabilitate child laborers, and eliminate all forms of child labor.³⁹⁷⁰ It outlines a national action plan for combating child labor that includes awareness raising, the establishment of child

labor resource centers, conducting surveys to expand knowledge on child labor, strengthened enforcement, expanded education facilities, and poverty alleviation measures.³⁹⁷¹ The policy outlines resources to be allocated to implement the policy, including Rs. 100 million (\$1.16 million) from the Government and a fixed yearly contribution by the quasi-governmental education assistance agency, Pakistan Bait-ul-Mal, and the non-profit Islamic educational trust, the Iqra Fund.³⁹⁷²

In 2008, the Government of Pakistan's National Action Plan for Children was adopted.³⁹⁷³ One goal of this plan is to prohibit, restrict, and regulate child labor with a view to its ultimate elimination.³⁹⁷⁴ The plan lays out 14 key strategies and actions including harmonizing work between government agencies, NGOs, and donors; promoting research on child labor issues; developing non-formal education for child laborers; providing micro-credit for families of child laborers; and conducting national surveys on child labor. The policy also addresses child trafficking and outlines key objectives for its elimination.³⁹⁷⁵ It is unclear whether funding has been allocated for these objectives or if they have been implemented at the local level.

Both of the aforementioned plans mandate child labor surveys; however such surveys have not been conducted since 1996.³⁹⁷⁶ The lack of recent data hampers the Government's ability to develop policies, determine programs' impacts, or plans for future child labor initiatives.³⁹⁷⁷

The Federal Investigation Agency has a National Action Plan for Combating Human Trafficking. This plan lays out prevention, prosecution, and protection strategies for ending human trafficking including child trafficking.³⁹⁷⁸ It provides for awareness-raising efforts, service provider training, data collection, and the establishment of victims' shelters. The plan also outlines which ministry, agency, or unit is responsible for each action. It does not, however, allocate funding to any given action item.

The Government of Pakistan has incorporated the elimination of the worst forms of child labor into other development and poverty reduction policies. The Government's current Poverty Reduction Strategy Paper reiterates the commitment to the NPPA and

incorporates the reduction of child labor in its target-setting process.³⁹⁷⁹ The 2001 National Policy and Plan of Action for the Abolition of Bonded Labor and Rehabilitation of freed Bonded Laborers address the issue of exploitive child labor.³⁹⁸⁰ The Labor Policy 2002 also endorses the NPPA and establishes a Government commitment to increase the minimum age for work in hazardous labor to 18.³⁹⁸¹ This specific commitment on increasing the age for work in hazardous labor, however, has yet to be implemented.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 2000, the Government has participated in a number of donor-funded projects to combat child labor, focused on specific sectors where it occurs, such as soccer ball manufacturing, tanneries, rag picking, the production of surgical instruments, coal mining, seafood, and glass bangle industries.³⁹⁸² A USDOL-funded project in the soccer ball industry focused on implementing a social protection program as well as increasing the capacity of partner organizations including government agencies.³⁹⁸³

During the reporting period, the Government continued to administer National Centers for Rehabilitation of Child Labor to remove children age 5 to 14 from hazardous labor and provide them with education, clothing, and a stipend.³⁹⁸⁴ There are 292 centers, which have provided services to over 15,000 students nationwide.

The Government specifically targets bonded laborers for support services and programming. The Ministry of Labor has provided legal services to bonded laborers in the Khyber Pakhtunkhwa Province and Punjab since 2005.³⁹⁸⁵ These services were expanded to Balochistan and Sindh provinces in 2009. The project has an annual budget of \$21,000 and has benefited over 700 bonded laborers, including children.³⁹⁸⁶

The Punjab Provincial Government continued implementation of its \$1.4 million project (launched at the end of 2008) aimed at eliminating bonded labor in brick kilns. This project to date has helped nearly 6,000 bonded laborers obtain national identity cards and has provided \$140,000 in no-interest loans to help free laborers from debt.³⁹⁸⁷ The Sindh provincial government has continued to implement its \$116,000

project (launched at the end of 2005), which provided state-owned land for housing camps and constructed 75 low-cost housing units for freed bonded laborer families.

Given the magnitude of the bonded labor situation in Pakistan, the resources allocated to these programs are insufficient to properly address the problem.

Currently the Government is participating in a \$6.8 million project to combat worst forms of child labor.³⁹⁸⁸ The project, which works in many informal sectors with bonded and forced child labor, includes a national survey on child labor, and strategies to raise awareness and mainstream child trafficking and child labor initiatives into national policies. The Government makes in-kind contributions and dedicates personnel to the project.

The Government also participates in a 3-year \$1.5 million USDOL-funded project to provide education and training programs for children in Balakot, Khyber Pakhtunkhwa Province who were left vulnerable to hazardous child labor by the earthquake of October

8, 2005.³⁹⁸⁹ The project targets 500 children for withdrawal and 2,000 children for prevention from hazardous work. As of March 2010, 3,607 children had been withdrawn or prevented from exploitive child labor as a result of this project.³⁹⁹⁰

Additionally, the Government participates in a USDOL-funded 4-year, \$4.4 million project to eliminate child labor in smuggling, automobile workshops, construction, embroidery, agriculture, and street vending.³⁹⁹¹ The project targets 15,000 children for withdrawal and prevention from exploitive labor through education and vocational training opportunities.

While the Government of Pakistan has a number of initiatives to address the worst forms of child labor, projects focused on street work and agriculture are insufficient to address the scope of the problem. In addition, there is no evidence of programs specifically targeting child domestics, who may work long hours and are at risk for physical and sexual exploitation by their employer.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Pakistan:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt the draft Employment and Services Conditions Act of 2009 to prohibit children below age 14 from working.
- Revise the 1991 Employment of Children Act to prohibit children under the age of 18 from engaging in hazardous work and include brick making as a prohibited occupation for children.
- Adopt the draft Child Protection Bill to criminalize child seduction, child pornography, cruelty to children, internal child trafficking and child abuse.

IN THE AREA OF ENFORCEMENT:

- Provide the provincial Departments of Labor the authority to perform labor inspections in establishments with fewer than 10 workers.
- Reassign implementation authority for the Bonded Labor Abolition Act from the district magistrate to an active government agency.
- Create centralized mechanisms for child labor inspection and BLAA enforcement in an effort to limit local officials' influence over interference with enforcement efforts.

IN THE AREA OF POLICY:

- Conduct sectoral surveys on areas with a high-incidence of child labor to increase the knowledge base in these areas, inform policy and program planning, and determine the impact of interventions.

IN THE AREA OF SOCIAL PROGRAMS:

- Target government programs to reach children working in the most prevalent worst forms of child labor including street work, agriculture, and domestic service.
- Expand government programs that target bonded child laborers and ensure that there are protected from further exploitation and abuse.

³⁹²³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 1999-2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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³⁹²⁵ U.S. Embassy- Islamabad, *reporting*, March 26, 2010.

³⁹²⁶ ILO-IPEC, *Supporting the Time-Bound Programme on the Elimination of the Worst Forms of Child Labour in Pakistan*, Final Technical Progress Report, Geneva, September 14, 2008, 7. See Also Government of Pakistan, *Employment of Children Act*, (June 4, 1991, as amended December 20, 2005); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/22707/64834/E91PAK01.htm>.

³⁹²⁷ Save the Children- UK, *Mitigating Child Labour Through Education in Pakistan*, Project Document, London, September, 2005, 3. See Also NO CITATION LISTED

³⁹²⁸ Ibid., 3. See also *ibid.*, 7.

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³⁹⁶⁴ UN Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 44 of the Convention : Convention on the Rights of the Child : concluding observations : Pakistan*, October 15, 2009; available from <http://www.unhcr.org/refworld/docid/4ae9a11c0.html>.

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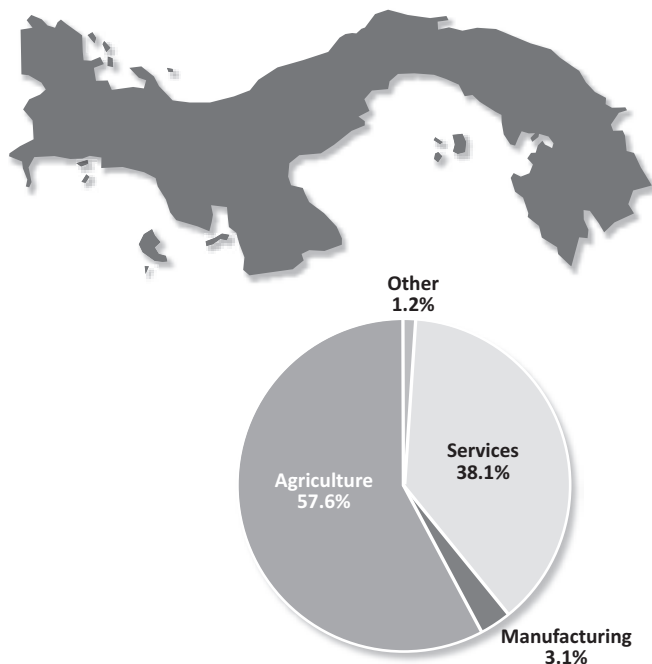
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Panama

The Government of Panama has a strong policy framework to combat the worst forms of child labor. However, gaps remain in legal prohibitions on some worst forms of child labor. In addition, children continue to engage in the worst forms of child labor in agriculture and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	5.1%
Attending School	6-14 yrs.	93.8%
Combining Work and School	7-14 yrs	3.1%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor³⁹⁹² in Panama, many of them in agriculture, where they are exposed to pesticides, often carry heavy loads, and work in extreme weather conditions. Some children cultivate coffee and to lesser extent, sugarcane. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of melons, tomatoes, and onions.³⁹⁹³ The rate of child labor among indigenous children is approximately three times the national rate.³⁹⁹⁴ Children from indigenous communities frequently migrate with their families for agricultural work, sometimes crossing into Costa Rica.³⁹⁹⁵

In urban areas, children work on the streets selling goods, shining shoes, washing cars, and assisting bus drivers. These activities often carry the risk of illness and injury as they require high physical exertion and exposure to densely transited areas with the risk of auto accidents.³⁹⁹⁶

In addition, many children, mostly girls of indigenous or Afro-Panamanian descent, work as domestic servants, where they are vulnerable to physical, psychological, or sexual abuse. According to the most recent child labor census published in 2009,

approximately 3,700 children and adolescents work in domestic service.³⁹⁹⁷

Children are also victims of commercial sexual exploitation, particularly in rural areas and in the city of Colon. In addition, some girls are trafficked within the country for the purpose of forced labor in domestic service.³⁹⁹⁸

Laws and Regulations on the Worst Forms of Child Labor

Panama's Constitution, Family Code, and Labor Code set the minimum age for employment at 14.³⁹⁹⁹ According to the Labor Code, however, children who have not completed primary school may not begin work until they reach age 15.⁴⁰⁰⁰ Similarly, the Law on Education notes that children under the age of 15 cannot work or participate in other activities that deprive them of their right to attend school regularly.⁴⁰⁰¹ The Constitution specifically prohibits children from engaging in domestic service before they reach age 14.⁴⁰⁰² While the Family and Labor Codes allow children to begin light work in agriculture at age 12, the Agriculture Code prohibits children under the age of 14 from working in agriculture.⁴⁰⁰³ CEACR has noted that neither the Family nor the Labor Codes provides clear regulations for the conditions under which children age 12 to 14 may engage in light work.⁴⁰⁰⁴

Various laws and an executive decree govern hazardous work by children. The Family Code and the Labor Code prohibit children less than age 18 from certain activities and types of hazardous work, including work in venues where alcohol is sold, in public transport, with electricity, with toxic substances, and underground.⁴⁰⁰⁵ Panama adopted Decree No. 19, a comprehensive list of hazardous work for children, in 2006, which provides 29 additional hazardous types of work prohibited for children under age 18, including work underwater or on ships, with pesticides, involving exposure to extreme weather conditions, with heavy equipment or dangerous tools, involving carrying heavy loads, in the transport of goods or people, and in trash recycling.⁴⁰⁰⁶ Both the Labor Code and Penal Code establish penalties for employing children in hazardous or illegal occupations.⁴⁰⁰⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Legislation that increased penalties for commercial sexual exploitation of children went into effect in May 2008. While the Penal Code prohibits soliciting and paying for prostitution with a minor, there is no prohibition on benefiting from the proceeds of child prostitution or operating a brothel that employs children.⁴⁰⁰⁸ The Penal Code provides comprehensive prohibitions against child pornography, including its production, distribution, possession, or promotion. Child sex tourism is also prohibited.⁴⁰⁰⁹ Trafficking

of minors domestically and internationally for sexual purposes is punishable with prison and fines. However, trafficking for the purpose of forced labor is not prohibited.⁴⁰¹⁰ In addition, while Panamanian law prohibits the use of children in illicit activities, it does not establish penalties for violations.⁴⁰¹¹

Institutional Mechanisms for Coordination and Enforcement

The Committee for the Eradication of Child Labor and the Protection of Adolescent Workers (*Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente*, CETIPPAT) coordinates various efforts to combat child labor, including the implementation of the country's National Plan of Action. CETIPPAT comprises 27 institutions, businesses, and NGOs, and it is led by the First Lady. Members include the Ministries of Labor (*Ministerio de Trabajo y Desarrollo Laboral*, MITRADEL), Education, Health, and Agriculture, as well as representatives from international, workers' and employers' organizations.⁴⁰¹² In addition, the National Commission for the Prevention of Crimes of Sexual Exploitation (*Comisión Nacional para la Prevención de Delitos de Explotación Sexual*, CONAPREDES) coordinates government efforts to combat the commercial sexual exploitation of children (CSEC), and is led by the Office of the Attorney General. Members of the CONAPREDES include the Ministries of Labor, Education, Social Development, and Health, as well as representatives from civil society organizations, universities, and international organizations.⁴⁰¹³ CONAPREDES met once during the reporting period.⁴⁰¹⁴

The Ministry of Labor is charged with enforcement of child labor laws. During the reporting period, the Government of Panama established the National Bureau against Child Labor and for the Protection of Adolescent Workers within the MITRADEL, replacing the previous department charged with the enforcement of child labor laws.⁴⁰¹⁵ MITRADEL employed 150 labor inspectors, four of whom are dedicated exclusively to child labor issues. All labor inspectors were trained to identify child labor violations.⁴⁰¹⁶ Complaints related to child labor may be filed through MITRADEL's general labor hotline or in-person at one of the MITRADEL offices.⁴⁰¹⁷ In 2009, MITRADEL had a budget of approximately \$500,000 to combat

child labor. The total amount of funding allocated to all government institutions to combat child labor was approximately \$4.5 million.⁴⁰¹⁸

During the reporting period, MITRADEL carried out 1,102 child labor inspections in the formal sector, and confirmed 72 cases of the worst forms of child labor in agriculture, car washes, landfills, and fishing, among others.⁴⁰¹⁹ Because of inspections, 436 children were referred to services provided by CETIPPAT. Sanctions were imposed on seven businesses for violation of child labor laws.⁴⁰²⁰ MITRADEL also inspected 11 coffee farms and identified 16 children working. The employers received guidance on child labor laws as a result.⁴⁰²¹ MITRADEL provided trainings on child labor to government officials, including 130 labor inspectors during the reporting period.⁴⁰²² MITRADEL coordinates with Child and Adolescent Courts and the National Secretariat for Childhood, Adolescence, and Family to refer cases of children found in exploitive work outside of the formal economy.⁴⁰²³

The Panamanian National Police Sex Crimes Unit is responsible for investigating trafficking cases. The Department of Judicial Investigations also operated a unit of three staff dedicated to investigating CSEC and trafficking in persons for sexual exploitation.⁴⁰²⁴ There are 14 attorneys specializing in the prosecution of CSEC and trafficking cases nationwide. During the reporting period, the Government investigated seven cases of commercial sexual exploitation of children, resulting in one conviction.⁴⁰²⁵

During 2009, MITRADEL provided training to its labor inspectors to identify CSEC cases. In addition, law enforcement officers, prosecutors, and judges received training on trafficking issues.⁴⁰²⁶ In 2008, the Government established a special trafficking victims unit inside the National Immigration Office. This unit provides protection and legal assistance to trafficking victims and oversees prevention efforts, such as education campaigns.⁴⁰²⁷

Government Policies on the Worst Forms of Child Labor

In 2009, Panama continued implementation of its National Plan for the Eradication of Child Labor and the Protection of Young Workers (2007-2011).

The goal of the plan is to eliminate the worst forms of child labor by 2015 and eradicate all illegal child labor by 2020. The National Plan is administered through CETIPPAT. The plan aims to raise awareness, strengthen national legislation, improve the quality of life of families, reintegrate former child workers into the educational system, and produce systems to monitor working children, and it makes specific reference to the needs of indigenous children.⁴⁰²⁸ During 2009, Panama adopted the Roadmap towards the Elimination of Child Labor which aims to achieve the goals of the National Plan to eliminate the worst forms of child labor by 2015 and all child labor by 2020 through strengthening anti-poverty, health, and educational programs and policies.⁴⁰²⁹

During the reporting period, CONAPREDES implemented a National Plan of Action against CSEC (2008-2010), which aims to increase capacity victim identification, raise awareness, improve public policy, strengthen legislation, and ensure victim assistance.⁴⁰³⁰

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government's Institute for Human Resources, Capacity Building, and Vocational Training provided scholarships to child laborers,⁴⁰³¹ and operated eight student centers around the country to ensure that children in remote areas could attend secondary school.⁴⁰³² The Institute of Vocational Training for Human Development provided skills training to parents of child workers to reduce families' reliance on child labor, investing a total of \$156,546 in the program.⁴⁰³³ The National Secretariat of Children, Adolescents, and Family implemented programs to detect children in commercial sexual exploitation and engage private sector entities to combat child labor.⁴⁰³⁴

The Government provided shelter and other services and funded NGOs to assist child victims of CSEC and trafficking.⁴⁰³⁵ The CONAPREDES carried out awareness-raising activities on the commercial sexual exploitation of children for members of civil society and government officials. The CONAPREDES also implemented a monitoring system of government actions as part of the National Plan of Action against CSEC.⁴⁰³⁶ Although the Government of Panama has implemented programs to address commercial sexual

exploitation, research found no evidence that it has carried out programs to assist children involved in agriculture and urban informal work.

The Government continued to participate in a 4-year \$3 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.⁴⁰³⁷

In recent years, the Government has implemented social programs to combat poverty among the most vulnerable and increase children's and families' access to basic and vocational education. For example, a conditional cash transfer program called

Red de Oportunidades (Network of Opportunities) provides cash transfers to families depending on their participation in health and education services. The program also offers training to beneficiaries to improve income generation opportunities.⁴⁰³⁸ The question of whether this program has an impact on the worst forms of child labor does not appear to have been addressed. In addition, although the Government of Panama has implemented programs to address the commercial sexual exploitation of children, research found no evidence that it has carried out programs to assist children involved in agriculture and urban informal work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Panama:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Penal Code to explicitly prohibit trafficking in persons for the purpose of forced labor.
- Revise the Penal Code to establish penalties for the use of children for illicit activities.
- Establish clear regulations for the conditions under which children between the ages 12 and 14 may engage in light agricultural work to ensure they are not exposed to hazardous labor.
- Amend the Penal Code to eliminate gaps in existing laws related to child prostitution.

IN THE AREA OF SOCIAL PROGRAMS TO COMBAT CHILD LABOR:

- Assess the impact that the national conditional cash transfer program, *Red de Oportunidades*, may have on addressing the worst forms of child labor, and consider whether families with children in or at risk of entering the worst forms of child labor need to be specifically targeted by the program.
- Develop social programs to address the worst forms of child labor in agriculture and urban informal work.

³⁹⁹² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2003. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁹⁹³ Casa Esperanza and Creative Association International, *Situación del Trabajo Infantil en Zonas Agrícolas Productoras de Melón de Exportación, Tomate Industrial y Cebolla*, June 2006, 37, 40, 60. See also ILO-IPEC, *Prevention and Elimination of Child Labour and Hazardous Work in Panama, PHASE II*, Project Document, Geneva, September 15, 2006, 9. See also Creative Association International, *El DESTINO hacia la Educación: Disminuyendo y Erradicando el Trabajo Infantil para Nuevas Oportunidades*, Project Document, August 16, 2004, 19. See also U.S. Embassy- Panama, *reporting*, February 23, 2010.

³⁹⁹⁴ Instituto Nacional de Estadística y Censo, "Cuadro 2. POBLACIÓN DE 5 A 17 AÑOS DE EDAD EN LA REPÚBLICA, POR SEXO, SEGÚN ÁREA Y EDAD: ENCUESTA DE TRABAJO INFANTIL, OCTUBRE

DE 2008”, [online], 2008; available from <http://www.contraloria.gob.pa/inec/Publicaciones/05-03-26/cuadro2.pdf>.

³⁹⁹⁵ U.S. Department of State, “Panama,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136121.htm>. See also U.S. Department of State, “Costa Rica,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136107.htm>.

³⁹⁹⁶ ILO-IPEC, *Trabajo Infantil Urbano Peligroso en Panamá: Un Estudio de Línea de Base*, May 2005, 62-65; available from http://www.oit.org.pe/ipecc/documentos/oit_linea_web.pdf. See also Contraloría General de la República, El Ministerio de Trabajo y Desarrollo Laboral, El Ministerio de Desarrollo Social, and ILO-IPEC, *Análisis del Trabajo Infantil en el Panamá 2000-2008*, 2009, 18, 68, 70; available from <http://white.oit.org.pe/ipecc/alcencuentros/interior.php?notCodigo=1763>. See also U.S. Embassy-Panama, *reporting, February 23, 2010*.

³⁹⁹⁷ ILO-IPEC, *El trabajo infantil doméstico en Panamá*, September 2002, 23, 43, 67; available from http://white.oit.org.pe/ipecc/documentos/ras_cdl_panama.pdf. See also Contraloría General de la República, El Ministerio de Trabajo y Desarrollo Laboral, El Ministerio de Desarrollo Social, and ILO-IPEC, *Análisis del Trabajo Infantil en el Panamá 2000-2008*, 70.

³⁹⁹⁸ U.S. Department of State, “Panama (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also U.S. Department of State, “Country Reports- 2009: Panama,” section 6.

³⁹⁹⁹ Government of Panama, *Código de la Familia*, (1994), article 508; available from http://www.legalinfo-panama.com/legislacion/familia/codfam_index.htm. See also Government of Panama, *Constitución Política de la República de Panamá con reformas hasta 2004*, (1972), article 70; available from <http://pdpa.georgetown.edu/Constitutions/Panama/constitucion2004.pdf>. See also Government of Panama, *Código de Trabajo*, (August 12, 1995), article 117(1); available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/42679/67564/S95PAN01.htm>.

⁴⁰⁰⁰ Government of Panama, *Código de Trabajo*, article 117(2).

⁴⁰⁰¹ Government of Panama, *Ley Orgánica de Educación*, 10,113, (September 24, 1946), article 46; available from <http://www.asamblea.gob.pa/busca/index-legispan.asp>.

⁴⁰⁰² Government of Panama, *Constitución Política*, article 70. See also Government of Panama, *Código de la familia*, (1994), article 716.

⁴⁰⁰³ Government of Panama, *Código de Trabajo*, article 119. See also Government of Panama, *Código de la Familia*,

article 716. See also Agrarian Code, *Código Agrario de la República de Panamá*, Ley 37, (September 21, 1962), article 403; available from http://190.34.208.115/Legis-Agro/Codigo_Agrario/Codigo_Agrario.asp.

⁴⁰⁰⁴ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Panama (ratification: 2000)*, [online] 2006 [cited April 26, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18523&chapter=9&query=%28C138%29+%40ref+%2B+%28Panama%29+%40ref&highlight=&querytype=bool&context=0>.

⁴⁰⁰⁵ Government of Panama, *Código de Trabajo*, article 118. See also Government of Panama, *Código de la Familia*, article 510.

⁴⁰⁰⁶ Government of Panama, *Decreto Ejecutivo Número 19: Que aprueba la lista del trabajo infantil peligroso, en el marco de las peores formas del trabajo infantil*, 25,569, (June 12, 2006); available from http://www.asamblea.gob.pa/legispan/PDF_NORMAS/2000/2006/2006_548_0012.pdf.

⁴⁰⁰⁷ Government of Panama, *Código de Trabajo*, article 125. See also Government of Panama, *Código Penal de Panamá*, (May 18, 2007), article 198; available from <http://www.gacetaoficial.gob.pa/pdfTemp/25796/4580.pdf>.

⁴⁰⁰⁸ Government of Panama, *Código Penal de Panamá*, articles 176 and 182.

⁴⁰⁰⁹ *Ibid.*, article 180, 181, 183-186.

⁴⁰¹⁰ *Ibid.*, articles 177 and 179. See also ILO Committee of Experts, *Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29) Panama (ratification: 1966)*, [online] 2010 [cited April 26, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23934&chapter=9&query=%28C029%29+%40ref+%2B+%28Panama%29+%40ref&highlight=&querytype=bool&context=0>.

⁴⁰¹¹ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Panama (ratification: 2000)*, [online] 2008 [cited April 26, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21894&chapter=9&query=%28C182%29+%40ref+%2B+%28Panama%29+%40ref&highlight=&querytype=bool&context=0>.

⁴⁰¹² Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente, *Plan Nacional de Erradicación del Trabajo Infantil y Protección de las Personas Adolescentes Trabajadoras 2007-2011*, June 2006, 39-40; available from http://www.oit.org.pe/ipecc/documentos/plan_nacional_cetipat_completo.pdf.

⁴⁰¹³ Comisión Nacional para la Prevención de los Delitos de Explotación Sexual, *Plan Nacional para la Prevención y*

Eliminación de la Explotación Sexual Comercial de Niños, Niñas y Adolescentes, 2008, 30-38; available from http://white.oit.org.pe/ipecc/documentos/plan_nacional_pana.pdf.

⁴⁰¹⁴ Ministerio Público. “Novena Sesión de la CONAPREDES.” <http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=1140> [online] August 2, 2009 [cited August 2, 2010]; available from <http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=1140>.

⁴⁰¹⁵ Ministerio de Trabajo y Desarrollo Laboral, *Decreto*, DM57-2010, (February 23, 2010); available from http://white.oit.org.pe/ipecc/documentos/decreto_creacion_direccion_trabajo_infantil_panama_2010.pdf.

⁴⁰¹⁶ U.S. Embassy- Panama, *reporting*, February 23, 2010. See also U.S. Department of State, “Country Reports- 2009: Panama,” section 7d.

⁴⁰¹⁷ U.S. Embassy- Panama, *reporting*, February 23, 2010.

⁴⁰¹⁸ Ibid.

⁴⁰¹⁹ Ibid.

⁴⁰²⁰ Ibid.

⁴⁰²¹ Ibid.

⁴⁰²² Ibid.

⁴⁰²³ U.S. Embassy- Panama official, E-mail communication to USDOL official, August 25, 2010.

⁴⁰²⁴ U.S. Department of State, “Country Reports- 2009: Panama,” section 6. See also U.S. Embassy- Panama, *reporting*, February 23, 2010.

⁴⁰²⁵ U.S. Embassy- Panama, *reporting*, February 23, 2010. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Panama.”

⁴⁰²⁶ U.S. Embassy- Panama, *reporting*, March 10, 2010. See also U.S. Embassy- Panama, *reporting*, February 23, 2010.

⁴⁰²⁷ U.S. Embassy- Panama, *reporting*, February 23, 2009 para 4.

⁴⁰²⁸ Comité para la Erradicación de Trabajo Infantil y la Protección del Trabajador Adolescente, *Plan Nacional de Erradicación del Trabajo Infantil y Protección de las Personas Adolescentes Trabajadoras 2007-2011*, 5-8. See also ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas*, 2006, 49-50; available from <http://www.oit.org.pe/ipecc/documentos/panama.pdf>.

⁴⁰²⁹ Comité para la Erradicación de Trabajo Infantil y la

Protección del Trabajador Adolescente and ILO-IPEC, *Hoja de Ruta para hacer de Panamá un país libre de trabajo infantil y sus peores formas*, 2009, 4, 6, 8, 11, 12; available from <http://white.oit.org.pe/ipecc/alcuentros/interior.php?notCodigo=1769>.

⁴⁰³⁰ Comisión Nacional para la Prevención de los Delitos de Explotación Sexual, *Plan Nacional para la Prevención y Eliminación de la Explotación Sexual Comercial de Niños, Niñas y Adolescentes*, 26.

⁴⁰³¹ Institute for Human Resources, Capacity Building, and Vocational Training, *Estadísticas*, [online] 2009 [cited April 27, 2010]; available from <http://www.ifarhu.gob.pa/estadisticas/docs/937515743136-32.pdf>.

⁴⁰³² Ibid.].

⁴⁰³³ U.S. Embassy- Panama, *reporting*, February 23, 2010.

⁴⁰³⁴ Ibid. Ministerio de Desarrollo Social. “Trabajo infantil en la mira de Secretaria de Niñez Adolescencia y Familia.” <http://www.mides.gob.pa/?p=1027> [online] December 23, 2009 [cited August 3, 2010]; available from <http://www.mides.gob.pa/?p=1027>.

⁴⁰³⁵ U.S. Department of State, “Trafficking in Persons Report- 2010: Panama.” See also U.S. Embassy- Panama, *reporting*, March 10, 2010.

⁴⁰³⁶ Ministerio Público, *Taller DevInfoLAC ESC*, [online] 2010 [cited April 27, 2010]; available from <http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=976>. See also Ministerio Público, *Panamá realiza Foro sobre el comercio sexual con personas menores de edad en Centroamérica, Panamá y República Dominicana*, [online] 2010 [cited April 27, 2010]; available from <http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=1016>. See also Ministerio Público, *Taller de Intercambios de experiencia entre Panamá y Costa Rica*, [online] 2010 [cited April 27, 2010]; available from <http://www.ministeriopublico.gob.pa/DetalleDeNoticia.aspx?Id=961>.

⁴⁰³⁷ ILO-IPEC official, E-mail communication to USDOL official, June 17, 2010.

⁴⁰³⁸ Ministerio de Desarrollo Social, *Informe de Avance de la Red de Oportunidades*, 2008, 23; available from http://www.mides.gob.pa/wordpress/wp-content/uploads/2009/07/avance_diciembre_2008.pdf. See also Ministerio de Desarrollo Social, “¿Que es la Red de Oportunidades?”, 2010; available from http://www.mides.gob.pa/?page_id=24.

Papua New Guinea

The Government's National Plan of Action for Decent Work calls for the elimination of child labor. Children are found working on coffee and tea farms, and as street vendors and indentured domestic servants. The lack of free education combined with the absence of compulsory education laws may make children vulnerable to the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Papua New Guinea are exploited in the worst forms of child labor.⁴⁰³⁹ In rural areas, children work in agriculture, including on tea and coffee farms.⁴⁰⁴⁰ Children's work in agriculture commonly involves harmful activities, such as using dangerous machinery and tools, carrying heavy loads, and applying toxic pesticides.

In urban areas, children work as street vendors.⁴⁰⁴¹ Children working on the streets risk a variety of dangers, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminals.

A large number of children are engaged in domestic service in Papua New Guinea. Some of these children are held in indentured servitude in order to pay off family debts.⁴⁰⁴² Child domestic labor commonly involves long hours of work and dangerous activities, and may expose children to physical and sexual exploitation by their employer.

Children in Papua New Guinea are also involved in other worst forms of child labor, such as prostitution. These children typically work in bars or nightclubs. Children are also exploited through the production of pornography⁴⁰⁴³ and are trafficked internally

for domestic service and commercial sexual exploitation.⁴⁰⁴⁴

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act sets the minimum working age at 16, and the minimum age for hazardous work is 18.⁴⁰⁴⁵ There is no specific list of hazardous work prohibited for children, although the Act states generally that children may not be engaged in employment in "industrial undertakings," the fishing industry, or under circumstances that are injurious or likely to be injurious.⁴⁰⁴⁶ Children between ages 16 and 17 may work between 6:00 p.m. and 6:00 a.m. only if the other workers are members of their family. Children age 11 to 18 may work in family businesses by obtaining medical clearance, parental permission, and a work permit.⁴⁰⁴⁷ A permit will not be issued for work if considered harmful to children's health or their physical, mental, or spiritual development is affected.⁴⁰⁴⁸ Street trading by children of any age between the hours of 8:00 p.m. and 6:00 a.m. or at any time on a Sunday is prohibited by the Child Welfare Act.

The Constitution prohibits forced labor.⁴⁰⁴⁹ The Criminal Code prohibits the indecent treatment of boys younger than 14, indecent treatment and




defilement of girls younger than 16, and the abduction, kidnapping, or procurement of girls below age 18 for sexual exploitation.⁴⁰⁵⁰

Children below age 18 cannot be charged with prostitution.⁴⁰⁵¹ Obtaining or procuring a child for commercial sexual exploitation is a criminal offense.⁴⁰⁵²

A new Child Protection and Rights Act, the Lukautim Pikinini (Child) Act of 2009, came into force in April 2010, replacing the previous Child Welfare Act.⁴⁰⁵³ The Act makes criminal certain forms of harmful child labor.⁴⁰⁵⁴ The Criminal Code specifically prohibits the trafficking of children for commercial sexual exploitation and slavery.⁴⁰⁵⁵

There is no compulsory military service in Papua New Guinea; the minimum age for voluntary military service is 18, or 16 with parental approval.⁴⁰⁵⁶

The lack of free education combined with the absence of compulsory education laws may leave some children without legal protection from the worst forms of child labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Papua New Guinea has established a coordinating mechanism to combat the worst forms of child labor.

The Department of Labor and Industrial Relations is responsible for enforcing child labor laws,⁴⁰⁵⁷ while the Office of the Director for Child Welfare in the Department of Community Development is responsible for implementing the Lukautim Pikinini (Child) Act.⁴⁰⁵⁸

No information could be obtained on the financial resources available for labor law enforcement, the number of inspectors, the mechanism for filing formal child labor complaints, or whether any child labor inspections are carried out.⁴⁰⁵⁹ Senior staff in the Department of Community Development have noted the lack of technical competence and coordination among enforcement agencies as contributing factors to poor child labor law enforcement.⁴⁰⁶⁰

Government Policies on the Worst Forms of Child Labor

The National Plan of Action for Decent Work calls for the elimination of child labor.⁴⁰⁶¹ The Government is also working with NGOs such as the Papua New Guinea Children's Foundation and People Against Child Exploitation to implement the National Action Plan against Commercial Sexual Exploitation of Children 2006-2011.⁴⁰⁶²

Furthermore, the lack of official data and other statistical information does not allow for an accurate assessment of the full nature and extent of the worst forms of child labor in Papua New Guinea.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since March 2008, the Government has participated in a 4-year, \$19.5 million, 11-country project by the European Commission and ILO-IPEC to combat child labor. The project aims to withdraw children engaged in child labor, improve government capacity to implement and enforce child labor laws and policy, and to work with social partners and civil society.⁴⁰⁶³

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Papua New Guinea:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a more specific list of hazardous occupations and activities forbidden for children.
- Establish a compulsory school age for all children.
- Consider the adequacy of legal protection for young children working in family businesses and all children in domestic service.
- Amend legislation to provide boys age 14 and older and girls age 16 and older with legal protection from indecent treatment.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make available enforcement data on the worst forms of child labor.
- Establish a coordinating mechanism to combat the worst forms of child labor.
- Establish clear lines of responsibility for conducting child labor inspections and provide training to inspectors so they can effectively perform their duties.

IN THE AREA OF GOVERNMENT POLICIES:

- Consider policies focused specifically on the elimination of the worst forms of child labor in agriculture, domestic service, and commercial sexual exploitation.
- Provide free education to children up to the minimum working age.

IN THE AREA OF SOCIAL PROGRAMS:

- Consider implementing or expanding social programs that aim to eliminate the worst forms of child labor especially in agriculture, domestic service, and commercial sexual exploitation.

⁴⁰³⁹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁰⁴⁰ Department of Community Development official, Interview with USDOL consultant, June 20, 2006. See also Department of Labor and Industrial Relations officials, Interview with USDOL consultant, June 26 2006. See also U.S. Embassy- Port Moresby, *reporting* February 23, 2009. See also Child Labor Information Bank, *Child Labor by Industry or Occupation: Papua New Guinea*, accessed May 12, 2010; available from http://www.endchildlabor.org/db_infoBank.cfm.

⁴⁰⁴¹ Department of Community Development official, Interview, June 20, 2006. See also U.S. Embassy- Port

Moresby, *reporting*, July 14, 2008.

⁴⁰⁴² UN Committee on the Rights of the Child, *Consideration of Reports Submitted By States Parties Under Article 44 of the Convention, Concluding Observations: Papua New Guinea*, CRC/C/15/Add.229, February 26, 2004, para 57. See also U.S. Department of State, “Papua New Guinea,” in *Country Reports on Human Rights Practices 2008* Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. See also U.S. Department of State, “Papua New Guinea (Tier 3),” in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/g/tip/rls/tiprpt/2008/#>.

⁴⁰⁴³ UN Committee on the Rights of the Child, *Concluding Observations, February 26, 2004*, para 59. See also U.S. Department of State, “Country Reports- 2008: Papua New Guinea,” section 5 and 6d. See also Child Labor Information Bank, *Child Labor by Industry or Occupation: Papua New Guinea*. See also U.S. Embassy- Port Moresby, *reporting*, February 23, 2009. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Papua New Guinea (ratification: 2000)*, [online] **YEAR** [cited June

11, 2008]; available from www.ilo.org/ilolex/. See also UNICEF, UNESCAP, and ECPAT, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific: A Regional Report*, 2006, 34, 38.

⁴⁰⁴⁴ U.S. Department of State, “Trafficking in Persons Report- 2008: Papua New Guinea.” See also UNICEF, UNESCAP, and ECPAT, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific*, 40. See also U.S. Department of State, “Country Reports- 2008: Papua New Guinea,” section 5.

⁴⁰⁴⁵ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182)* Geneva, 2006. See also U.S. Department of State, “Country Reports- 2008: Papua New Guinea,” section 6d. See also The Law Library of Congress, *Child Labor Papua New Guinea*, February 2008.

⁴⁰⁴⁶ The Law Library of Congress, *Child Labor Papua New Guinea*.

⁴⁰⁴⁷ U.S. Department of State, “Papua New Guinea,” in *Country Reports on Human Rights Practices 2009*, Washington, DC, March 11, 2010, section 7c; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136005.htm>. See also The Law Library of Congress, *Child Labor Papua New Guinea*.

⁴⁰⁴⁸ U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

⁴⁰⁴⁹ *Constitution of the Independent State of Papua New Guinea*, (1975). See also U.S. Department of State, “Country Reports- 2008: Papua New Guinea,” section 6c.

⁴⁰⁵⁰ ILO Committee of Experts, *Direct Request C182: Papua New Guinea*.

⁴⁰⁵¹ The Protection Project, *Papua New Guinea*; available from <http://www.protectionproject.org/papua.doc>. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention*. See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

⁴⁰⁵² U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

⁴⁰⁵³ U.S. Embassy official, E-mail communication to USDOL official, 2010.

⁴⁰⁵⁴ *Lukautim Pikinini (Child) Act 2009*, part X, subsections 94-96.

⁴⁰⁵⁵ U.S. Department of State, “Papua New Guinea,” in *Trafficking in Persons Report- 2010, Trafficking in Persons Report- 2010: Papua New Guinea*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143188.pdf>.

⁴⁰⁵⁶ Coalition to Stop the Use of Child Soldiers, “Papua New Guinea,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/library/global-reports>.

⁴⁰⁵⁷ U.S. Department of State, “Country Reports- 2009: Papua New Guinea.”

⁴⁰⁵⁸ U.S. Embassy official, E-mail communication, April 26, 2010.

⁴⁰⁵⁹ U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

⁴⁰⁶⁰ U.S. Embassy official, E-mail communication, April 26, 2010.

⁴⁰⁶¹ ILO-IPEC, *Combating Child Labour in Asia and the Pacific: Progress and Challenges*, 2005, 27.

⁴⁰⁶² PNG Children’s Foundation Inc., PACE, and UNICEF, *The National Action Plan Against Commercial Sexual Exploitation of Children in Papua New Guinea (July 2006-June 2011)*, 2006, 5. See also U.S. Department of State, “Trafficking in Persons Report- 2008: Papua New Guinea.” See also U.S. Embassy- Port Moresby, *reporting, February 23, 2009*.

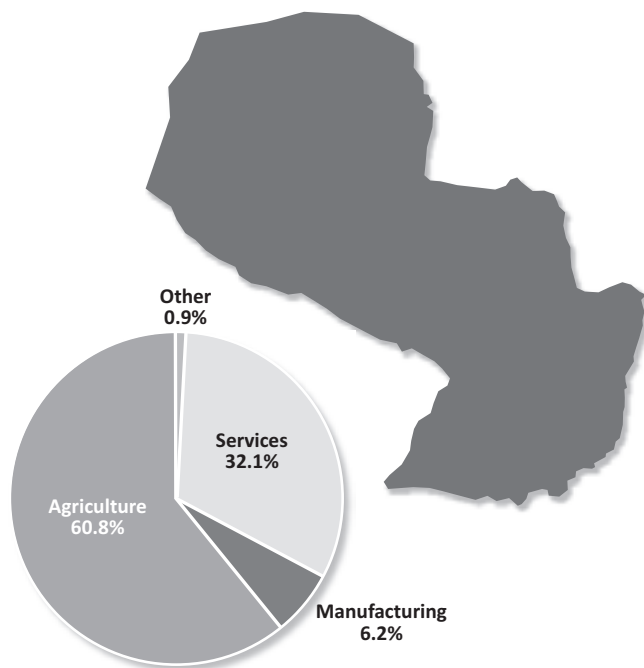
⁴⁰⁶³ EuropeAid, *EC and ILO launch project to tackle child labour in African, Caribbean and Pacific countries*, [Press Release] June 10, 2008 [cited January 26, 2009]; available from http://ec.europa.eu/europeaid/where/acp/documents/ec_tackle_pressrelease_en.pdf. See also ILO, *Tackling child labour through education--Fiji and Papua New Guinea*, [online] October 21, 2008 [cited November 29, 2010]; available from http://www.ilo.org/asia/info/lang--en/WCMS_099948/index.htm.

Paraguay

The Government has implemented cash transfers conditioned on children's removal from work. However, resource constraints hamper the enforcement of child labor laws. In addition, children continue to work in agriculture and domestic service where they may face a variety of occupational health and safety risks.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	15.3%
Attending School	5-14 yrs.	90.3%
Combining Work and School	7-14 yrs	12.1%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor⁴⁰⁶⁴ in Paraguay, including agriculture and domestic service. Children, primarily boys and many of indigenous descent, work in agriculture including in the production of cotton. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of soy, sesame, wheat, tobacco, manioc, peanuts, beans and stevia (a plant-based sweetener).⁴⁰⁶⁵ Working children in agriculture might engage in unsafe and unhealthy activities such as using dangerous tools, carrying heavy loads, and applying harmful pesticides.

Children, again primarily boys, also work in the production of limestone, as well as in the manufacturing, construction, and transportation sectors where dangers might arise from work involving heavy loads, vehicular accidents, and exposure to toxic dust.

Children also work as street vendors and in markets, where they are exposed to a variety of risks to their safety and health, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.⁴⁰⁶⁶ Children, primarily girls and many of indigenous descent, work

as *criadas*, or child domestic servants, and often do not receive salaries despite promises of room, board, and financial support for schooling. Child domestic workers are also sometimes subject to sexual exploitation.⁴⁰⁶⁷


In the Chaco region of the country, indigenous children work raising cattle, a potentially dangerous activity, and sometimes they work under conditions of debt bondage. Children in Paraguay are trafficked for commercial sexual exploitation and forced domestic service from rural to urban areas, including Asuncion, Encarnacion, and Ciudad del Este.⁴⁰⁶⁸ Adolescent girls are trafficked to Argentina for commercial sexual exploitation. Child pornography is also a problem.⁴⁰⁶⁹ Children, primarily underage girls, are also trafficked to Spain, Brazil, Chile, and Bolivia.⁴⁰⁷⁰ In addition, children are also found working as drug smugglers along the border with Brazil.⁴⁰⁷¹

Laws and Regulations on the Worst Forms of Child Labor

The Child and Adolescent Code establishes 14 as the minimum age for work. The Government, however, has not yet adopted regulations governing the nature and conditions of the light work that are permitted for children between the ages of 12 and 14.⁴⁰⁷² A List of Work Endangering Children Decree 4951 prohibits

children under age 18 from working in 26 broad classifications of work including operating dangerous machinery, working with toxic substances, selling alcoholic beverages, working underground, and carrying heavy loads. Research has not identified all of the legal provisions that sanction violations of the Decree or which Ministries are charged with enforcing the provisions of the Decree.⁴⁰⁷³ The Labor Code establishes fines for employing children under age 18 in hazardous forms of work.⁴⁰⁷⁴

The Penal Code prohibits commercial sexual exploitation of children and adolescents, including recruiting, facilitating, and benefitting economically from child prostitution.⁴⁰⁷⁵ It also prohibits child pornography, including its production, distribution, and possession.⁴⁰⁷⁶ Both the Constitution and the Penal Code prohibit slavery, forced labor, or analogous conditions. The Penal Code establishes penalties for forced labor.⁴⁰⁷⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

July 2009 revisions to the Penal Code increased penalties for the international trafficking of persons. Penalties are higher when a child is trafficked.⁴⁰⁷⁸ Current legislation does not comprehensively prohibit internal trafficking for forced labor and commercial sexual exploitation.⁴⁰⁷⁹

The law establishes 18 as the minimum age for conscription into the military.⁴⁰⁸⁰ No legislation to prohibit the recruitment of children for illicit activities, such as drug trafficking, could be identified.

Institutional Mechanisms for Coordination and Enforcement

The National Commission to Prevent and Eradicate the Exploitation of Children (CONAETI) is responsible for making and implementing child labor policies in Paraguay. It includes representatives from the Ministries of Labor, Health and Social Welfare, and Education and Culture as well as the Children's and Adolescents' Secretariat, Social Action Secretariat, Women's Secretariat, and civil society.⁴⁰⁸¹

The Ministry of Justice and Labor is responsible for inspecting workplaces for child labor. It can issue fines against employers found employing children in work prohibited by the Labor Code. The Ministry of Justice and Labor employs 43 labor inspectors, who each inspect for all types of labor violations.⁴⁰⁸² During the reporting period, the Ministry of Justice and Labor had just one vehicle and few other resources to enforce labor laws.⁴⁰⁸³ Officials inspected eight brick-making factories and found instances of child labor in six.⁴⁰⁸⁴ Information was not available on whether the Ministry of Justice and Labor penalized those in violation of child labor laws in this case.

The Public Ministry is responsible for prosecuting criminal violations of child labor laws. It has a unit staffed by two prosecutors specializing in human trafficking and sexual exploitation of children. The Public Ministry also acts on referrals from the Ministry of Justice and Labor and the Child and Adolescent Secretariat in cases of hazardous and criminal child labor law violations.⁴⁰⁸⁵ The National Police operates a unit that investigates cases of trafficking and the commercial sexual exploitation of children. The unit employs 33 staff and operates in six cities.⁴⁰⁸⁶ The Women's Secretariat and the Child and Adolescent Secretariat have offices dedicated to combating trafficking of children. The Women's Secretariat, the Child and Adolescent Secretariat, and the Public Ministry maintain hotlines to report cases of trafficking and the commercial sexual exploitation of children.⁴⁰⁸⁷ During the reporting period, the Government's Inter-institutional Roundtable to

Combat Trafficking Persons conducted several trainings on trafficking issues for relevant government officials.⁴⁰⁸⁸

The Government opened 119 trafficking cases during the reporting period involving at least 30 minors. The Public Ministry worked with the Women's Secretariat to provide assistance to 30 child trafficking victims.⁴⁰⁸⁹ The Government indicted 47 suspected traffickers, whose victims included children, and convicted two suspects during the period.⁴⁰⁹⁰

Government Policies on the Worst Forms of Child Labor

CONAETI approved a new National Plan of Action against Child Labor which took effect in January 2010. CONAETI also developed intra- and interdepartmental guides to address child labor violations.⁴⁰⁹¹

In 2009, the Government of Paraguay signed an agreement with MERCOSUR member countries to coordinate labor inspections, share good practices, and conduct trainings of labor inspectors on issues including child labor, human trafficking, and forced labor.⁴⁰⁹² In addition, MERCOSUR carries out the *Niño Sur* ("Southern Child") initiative to defend the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.⁴⁰⁹³

Paraguay's National Tourism Office is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism. The Group, whose members also include Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Suriname, Uruguay, and Venezuela, conducts prevention and awareness-raising campaigns.⁴⁰⁹⁴

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In recent years, the Government of Paraguay has operated two programs to combat poverty and prevent/remove children in or at risk of the worst forms of child labor. One is *Programa Abrazo* (Program Hug). This program is for children and adolescents in urban areas engaged in informal work, and it provides cash transfers to families conditioned on their children's school attendance and withdrawal from work. The

program also operates 14 centers in five cities in Paraguay providing education and training, nutritional support, and access to health services.⁴⁰⁹⁵ To date, the program has helped approximately 8,600 households and 30,000 children below 14.⁴⁰⁹⁶ The second program serves the Chaco region. It is also a cash transfer program conditioned on families' withdrawal of children from child labor and education and health requirements. That program helps 700 families and approximately 1,300 children younger than age 14.⁴⁰⁹⁷

Efforts to address child labor are also found in education and anti-trafficking programs. For example, the Ministry of Education and Culture continues to require that all schools gather information on the working status of children. In addition, the Ministry has implemented teacher trainings on child labor issues.⁴⁰⁹⁸

The Government has also participated in a number of international-donor-funded projects to eradicate the worst forms of child labor in Latin America. During the reporting period, USDOL funded a \$6.75 million, 4-year project to promote collaboration across four countries, Bolivia, Brazil, Ecuador, and Paraguay to combat the worst forms of child labor among socially excluded populations, including children of indigenous and Afro-descent. It began in 2009 and aims to withdraw 3,600 children from and prevent another 3,000 children from entering the worst forms of child labor through education interventions.⁴⁰⁹⁹ The Government also participated in donor-funded initiatives and worked with local NGOs to combat child trafficking. The Government worked with the IDB in a \$1.2 million regional project to combat the trafficking and sexual exploitation of children in municipalities of Argentina, Brazil, Paraguay, and Uruguay. The project aims to strengthen local organizations and governments that work in prevention, detection, and victim assistance.⁴¹⁰⁰ The Government also provided some funding to NGOs to assist trafficking victims in Asuncion and Ciudad del Este, which furnish short-term legal, medical, and psychological services.⁴¹⁰¹

The Government of Paraguay has initiated a range of programs to combat child labor and its causes. However, although the Government has implemented programs to address child labor in urban informal work, research found no evidence that the current programs reach children working in agriculture and domestic service.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Paraguay:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Penal Code to prohibit trafficking in persons within the national territory.
- Adopt legislation prohibiting the use of children in illicit activities, such as drug smuggling.
- Establish regulations to govern the types and conditions of light work allowed for children between the ages of 12 and 14.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase resources available to the Ministry of Justice and Labor in the form of vehicles, personnel, and training to conduct child labor inspections.
- Publicize the legislation which establishes sanctions for violations of the Decree 4951, the List of Work Endangering Children.

IN THE AREA OF SOCIAL PROGRAMS:

- Expand successful cash transfer programs to reach more families and children affected by child labor.
- Create and expand social programs to reach children working in domestic service and agriculture.

⁴⁰⁶⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁰⁶⁵ U.S. Embassy- Asunción, *reporting*, July 23, 2008, 76. See also ILO, Cooperación Española, and el Desarme y la Libertad Movimiento por La Paz, *El Trabajo Infantil en Canindeyu, Paraguay*, Geneva, 2005, 20; available from http://white.oit.org.pe/ipecc/boletin/documentos/ti_rural_py.pdf. See also ILO-IPEC, *Sembrando Futuro*, [July 2004 [cited May 3, 2010]; available from <http://white.oit.org.pe/ipecc/alcencuentros/interior.php?notCodigo=502>.

⁴⁰⁶⁶ ILO-IPEC and Roberto Cespedes, *Infancia y adolescencia trabajadora de Paraguay*, 2006, 49-51, 83; available from http://white.oit.org.pe/ipecc/documentos/estadisticas_py_07.pdf. See also Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 2007, 22; available from http://white.oit.org.pe/ipecc/documentos/tmc_paraguay.pdf. See also

Ministerio de Trabajo y Justicia, "MJT descubre explotación de niños en caleras y canteras de Vallemi", [online], 2009; available from <http://www.mjt.gov.py/prensa/2009/setiembre/mjt-descubre-explotacion-de-ninos-en-caleras-y-canteras-de-vallemi>.

⁴⁰⁶⁷ ILO-IPEC, *Trabajo Infantil Doméstico en Brasil, Colombia, Paraguay y Perú*, Lima, 2004, 57, 73, and 103; available from http://white.oit.org.pe/ipecc/boletin/documentos/perfil_de_trabajo_infantil_vol_1_material_de_trabajo_4_conte.pdf. See also UN Forum on Indigenous Issues, *Mission to Paraguay*, 2009, 16; available from http://www.un.org/esa/socdev/unpfii/documents/UNPFII_Mission_Report_Paraguay_EN.pdf.

⁴⁰⁶⁸ ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, Project Document, 2009, 14. See also Martha Casal Cacharrón, *Un Día te Dejan de Mirar y Te Perdés: Verdades y Desafíos de la Explotación Sexual Comercial de la Infancia y Adolescencia*, ILO-IPEC, Asunción, 2007, 76; available from http://white.oit.org.pe/ipecc/documentos/verdades_desafios_py.pdf.

⁴⁰⁶⁹ U.S. Department of State, "Paraguay (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also ILO-IPEC, *Un Día te Dejan de Mirar y Te Perdés: Verdades y Desafíos de la Explotación Sexual Comercial de la Infancia y Adolescencia*, 2007; available from http://white.oit.org.pe/ipecc/documentos/verdades_desafios_py.pdf. See also

Paraguay.com, “Ediles denuncian inacción de Evanhy ante pornografía infantil”, 2010; available from <http://www.paraguay.com/nacionales/ediles-denuncian-inaccion-de-evanhy-ante-pornografia-infantil-24703>. See also Vivaparaguay.com, “PRIMER CONDENA POR PORNOGRAFÍA INFANTIL EN PARAGUAY”, March 31, 2010; available from http://www.vivaparaguay.com/new/index.php?option=com_content&view=article&id=23750:primer-condena-por-pornografia-infantil-en-paraguay&catid=4:nacionales&Itemid=7.

⁴⁰⁷⁰ Cacharrón, *Un Día te Dejan de Mirar y Te Perdes*. See also ILO and IOM, *La trata de Personas en el Paraguay*, Buenos Aires, 2005; available from <http://www.oimconosur.org/archivos/buscador.php?archivo=75>. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Paraguay.”

⁴⁰⁷¹ ILO-IPEC, *Collection of good practices and lessons learned related to the prevention and elimination of commercial sexual exploitation (CSE) of girls, boys and adolescents: INCOME GENERATION*, Asunción, 2005, 35-36; available from http://white.oit.org.pe/ipecc/documentos/genera_ingre_py_br_eng.pdf.

⁴⁰⁷² ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Paraguay (ratification: 2004)*, [online] 2006 [cited February 4, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21629&chapter=9&query=Paraguay@ref&highlight=&querytype=bool&context=0>.

⁴⁰⁷³ Government of Paraguay, *El Listado de Trabajo Infantil Peligroso*, Decree 4951, (March 22, 2005); available from <http://www.presidencia.gov.py/decretos/D4951.pdf>. See also Government of Paraguay, *Código del Trabajo*, No. 213, (June 15, 1993), article 122; available from <http://www.senado.gov.py/leyes/>. See also Government of Paraguay, *Código de la Niñez y la Adolescencia*, 1680, (May 30, 2001), articles 63-66; available from <http://www.senado.gov.py/leyes/ups/leyes/26031680.doc>.

⁴⁰⁷⁴ Government of Paraguay, *Que Modifica, Amplia y Deroga Artículos de la Ley 213/93, Código del Trabajo*, (August 22, 1994), article 389; available from <http://www.senado.gov.py/leyes/ups/leyes/2648Ley496.DOC>.

⁴⁰⁷⁵ Government of Paraguay, *Código de la Niñez y la Adolescencia*, article 31. Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley N° 1.160/97, Código Penal*, 3440, articles 129a and 139; available from <http://www.diputados.gov.py:1006/busquedaleyas/2008%5CD11707.pdf>.

⁴⁰⁷⁶ Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley N° 1.160/97, Código Penal*, article 140.

⁴⁰⁷⁷ Government of Paraguay, *Constitución Política de la República del Paraguay*, (June 20, 1992),

articles 10, 54; available from http://www.senado.gov.py/leyes/?pagina=ley_resultado&id=2865. See also Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley N° 1.160/97, Código Penal*, article 129c.

⁴⁰⁷⁸ Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley N° 1.160/97, Código Penal*, articles 129b and 129c.

⁴⁰⁷⁹ Ibid. See also U.S. Embassy- Asunción, *reporting*, February 17, 2010. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Paraguay.”

⁴⁰⁸⁰ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Panama (ratification: 2000)*, [online] 2006 [cited May 6, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21894&chapter=9&query=%28C182%29+%40ref+%2B+%28Panama%29+%40ref&highlight=&querytype=bool&context=0>.

⁴⁰⁸¹ U.S. Embassy- Asunción, *reporting*, February 18, 2010.

⁴⁰⁸² Ibid.

⁴⁰⁸³ Ibid.

⁴⁰⁸⁴ Ibid.

⁴⁰⁸⁵ Ibid.

⁴⁰⁸⁶ Ibid.

⁴⁰⁸⁷ Ibid. See also Secretaría Nacional de la Niñez y Adolescencia, *Explotación Sexual de niños, niñas y adolescentes*, [online] [cited May 6, 2010]; available from <http://www.senna.gov.py/?categoria=63&t=explotacion-sexual-de-ninos-ninas-y-adolescentes>.

⁴⁰⁸⁸ U.S. Embassy- Asunción, *reporting*, February 18, 2010.

⁴⁰⁸⁹ U.S. Embassy- Asunción, *reporting*, February 17, 2010.

⁴⁰⁹⁰ U.S. Embassy- Asunción, *reporting*, February 18, 2010.

⁴⁰⁹¹ Ibid.

⁴⁰⁹² MERCOSUR, *Plan Regional de Inspección del Trabajo del Mercosur*, Asunción, July 2, 2009.

⁴⁰⁹³ Comité Argentino de Seguimiento y Aplicación de la Convención Internacional de los Derechos del Niño, *Iniciativa Niñ@ Sur, una Instancia Regional que se Afirma*, [online] [cited February 5, 2010]; available from http://www.casacidn.org.ar/news_abril/nota1.html. See also U.S. Embassy- Asunción, *reporting*, February 18, 2010.

⁴⁰⁹⁴ Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, [online] November 26, 2008 [cited February 5, 2010]; available from http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43.

⁴⁰⁹⁵ Secretaría Nacional de la Niñez y Adolescencia, *Programa Abrazo*, [online] [cited May 6, 2010]; available

from <http://www.snna.gov.py/?categoria=40&t=programa-abrazo>. See also U.S. Embassy- Asunción, *reporting, February 18, 2010*. See also Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 8-10.

⁴⁰⁹⁶ Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 8-10.

⁴⁰⁹⁷ Secretaría de Acción Social, *¿Que es el Programa ÑOPYTYVÓ?*, [online] 2009 [cited May 6, 2010]; available from http://www.sas.gov.py/xhtml/DGPSyDH/dgpsydh_dnopytyvo.html. See also U.S. Embassy- Asunción, *reporting, February 18, 2010*. See also Secretaría de

Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 12.

⁴⁰⁹⁸ U.S. Embassy- Asunción, *reporting, February 18, 2010*.

⁴⁰⁹⁹ ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, 5-8, 61.

⁴¹⁰⁰ IDB, *La Trata y el Tráfico de Niños y Adolescentes para fines Explotación Sexual*, [online] [cited May 3, 2010]; available from <http://www.iadb.org/projects/Project.cfm?language=Spanish&PROJECT=RG%2DT1266>.

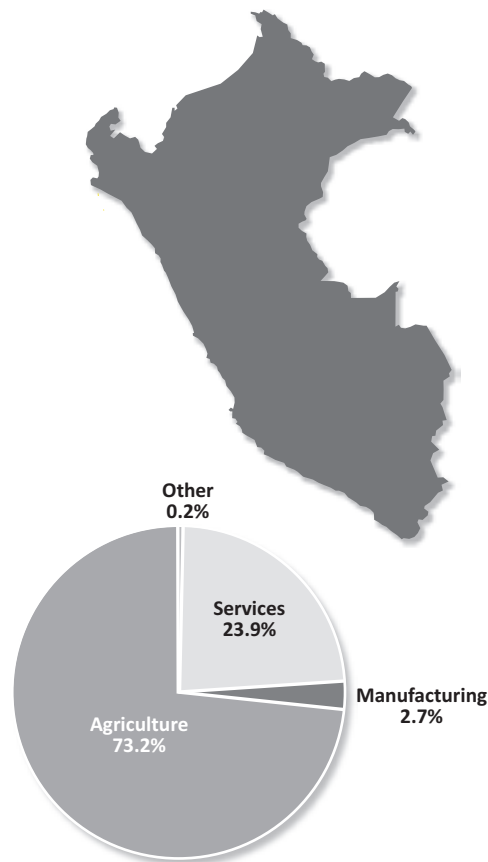
⁴¹⁰¹ U.S. Embassy- Asunción, *reporting, February 17, 2010*.

Peru

The Government of Peru has comprehensive prohibitions on the commercial sexual exploitation of children and child trafficking. However, gaps remain in social protection programs for the prevention and elimination of child labor, which do not reach some of the most vulnerable children. In addition, the worst forms of child labor persist in many sectors, especially in agriculture and urban informal work.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	6-14 yrs.	22.3%
Attending School	5-14 yrs.	96.6%
Combining Work and School	7-14 yrs	22.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴¹⁰²

Children are exploited in the worst forms of child labor in Peru, many in agriculture where they work long hours, perform difficult tasks, and are exposed to dangerous chemicals. For example, children work in the production of coca, cotton, rice, coffee, and sugarcane. They also work in the production of gold, working in mines where they are exposed to chemicals such as lead and arsenic.⁴¹⁰³ Children, mainly girls, work in domestic service in both rural and urban areas where they are vulnerable to physical and sexual abuse.⁴¹⁰⁴ In urban areas, children produce bricks and fireworks, activities in which they are exposed to harmful chemicals and extreme heat, and carry heavy loads. Children also work as street vendors and street performers, beggars, bus assistants, shoe shiners, car washers, and scavengers in garbage dumps. These types of urban informal activities can involve work with toxic substances, and carry the risk of injury as they often require high physical exertion and exposure to densely-transited areas.⁴¹⁰⁵

Children in Peru are exploited in other types of activities constituting the worst forms of child labor. For example, according to an ILO study, girls who work in the mining industry are often sexually exploited.⁴¹⁰⁶ Forced child labor is a problem in informal gold mines, cocaine production, and transportation. Some Peruvian children, especially girls from the poorest areas of Peru, are trafficked into commercial sexual exploitation and domestic service through false offers of employment.⁴¹⁰⁷ Peruvian children are also trafficked internationally for commercial sexual exploitation and forced labor. Drug traffickers and the narco-terrorist group Shining Path (*Sendero Luminoso*—SL) use children to grow food crops and coca, as well as to transport drugs and precursor chemicals.⁴¹⁰⁸ There are also credible reports that SL is using child soldiers in the Apurimac-Ene River Valley (VRAE). Child sex tourism is a problem, particularly in Iquitos, Madre de Dios, and Cuzco.⁴¹⁰⁹ There have reportedly been some cases of Bolivian families selling or renting their children to work in agriculture and mining in Peru. Reports also indicate that children are recruited to transport drugs across the border between Peru and Bolivia.⁴¹¹⁰

Laws and Regulations on the Worst Forms of Child Labor

The Law of Minor Children sets the general minimum age for employment at 14 and places some restrictions on the ability of children ages 14 and above to work legally. The minimum age for employment in nonindustrial agricultural work is 15; for work in the industrial, commercial, and surface mining sectors is 16; and for work in the industrial fishing sector is 17.⁴¹¹¹

The Law of Minor Children prohibits night work for children under age 15 and requires children under age 18 to receive a permit from the Ministry of Labor in order to work.⁴¹¹² The Government adopted a list of hazardous occupations for children under age 18 which includes 26 types of hazardous activities, which are prohibited under the Law of Minor Children, such as night work, and work in industrial mining and fishing.⁴¹¹³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	14
	Free Public Education	Yes

Peru's Constitution and other legislation prohibit all forms of compulsory labor, including forced labor, debt bondage, and servitude.⁴¹¹⁴ Peru's Penal Code prohibits the prostitution of children, including selling, recruiting, using, and benefiting economically from the crime. The Penal Code also prohibits child

pornography, including its production, sale, use, and possession.⁴¹¹⁵ The Law against Trafficking in Persons and Illegal Migrant Smuggling prohibits all forms of trafficking in persons and penalties increase significantly for child trafficking.⁴¹¹⁶ The Military Service Law sets the minimum age at 18 and above, and prohibits forced recruitment into the armed services or any defense or armed groups.⁴¹¹⁷ Peru's Decree 22095 prohibits the recruitment of children for the production, sale, and trafficking of illicit drugs.⁴¹¹⁸

Institutional Mechanisms for Coordination and Enforcement

The Government of Peru operates a National Commission for the Prevention and Eradication of Child Labor (CPETI), which is led by the Ministry of Labor and meets once a month for the purpose of coordinating government actions against child labor. Members of CPETI include the Ministry of Education, the Ministry of Justice, Ministry of Foreign Affairs, Ministry of the Interior, and the Ministry of Health, among others.⁴¹¹⁹

The Ministry of Labor's Office of Labor Protection for Minors is charged with enforcing child labor laws. The Ministry of Labor employs 412 inspectors who have been generally trained on child labor issues, and 68 of these inspectors specialize in child labor enforcement.⁴¹²⁰ Municipal-level child protection offices coordinated with the Ministry of Labor to document complaints of violations of child labor laws, and referred cases to relevant social protection and legal services.⁴¹²¹ Information was not available on the number of inspections conducted which revealed instances of child labor or on the number of sanctions for violations of child labor law.

Other agencies are responsible for enforcing criminal laws regarding the worst forms of child labor. The Peruvian National Police's Trafficking Investigation Unit, which employs 32 police officers, is charged with investigating cases of trafficking in persons and the commercial sexual exploitation of children. In addition, the Labor Administrative Authority (*Autoridad Administrativa de Trabajo*) has the authority to levy fines against employers who are guilty of trafficking minors.⁴¹²² The Ministry of the Interior maintains a hotline to receive reports of trafficking in persons.⁴¹²³ In 2009, anti-trafficking officials

received training from a number of local NGOs and government ministries on detecting, investigating, and tracking trafficking cases.⁴¹²⁴ The National Police have an annual budget of approximately \$12,000 for investigating trafficking cases, which according to the Ministry of the Interior represents a significant limitation on investigating trafficking cases.⁴¹²⁵ During the reporting period, the Peruvian National Police's Trafficking Investigation Unit investigated 137 cases of trafficking in persons affecting 185 victims, 113 of whom were minors, a significant increase over last period. Seven trafficking cases involving minors resulted in six convictions during the reporting period.⁴¹²⁶ In the area of commercial sexual exploitation of children, 24 cases were opened; however, there is no information on convictions during the reporting period.⁴¹²⁷ Despite the Government's increased efforts to investigate child trafficking, law enforcement efforts did not reach many areas where trafficking is common, including in the Amazon region and highlands. In addition, while no formal referral system exists for child trafficking victims to social and legal services, authorities could refer child victims to government-operated children's homes for basic shelter and care.⁴¹²⁸

Government Policies on the Worst Forms of Child Labor

The Government of Peru has a National Plan for the Prevention and Eradication of Child Labor and a National Committee to Prevent and Eradicate Child Labor. The Plan, established in conjunction with the National Plan of Action for Children, focuses on three strategic goals: preventing and eradicating child labor among children under age 14, preventing and eradicating the worst forms of child labor among children under age 18, and protecting the wellbeing of adolescent workers between ages 14 and 18.⁴¹²⁹

There are also some sector-focused policies that aim to reduce the worst forms of child labor. The Ministry of Women and Social Development (MIMDES) has a National Plan against Commercial Sexual Exploitation of Boys, Girls and Adolescents. The Plan has four strategic components: establish and strengthen institutions, increase awareness about commercial sexual exploitation of children, establish a system to monitor and penalize perpetrators, and develop a system to support victims.⁴¹³⁰ The Ministry of Education adopted a policy directive "0086-2008-ED"

in 2008 that sets standards for tutoring activities in public schools, which includes a goal of combating child labor, especially the worst forms, including work in mines, quarries, brick factories, trash sorting, fireworks production, and work as street vendors and domestic service.⁴¹³¹

The Government of Peru and other associates and member governments of MERCOSUR are carrying out the *Niño Sur* ("Southern Child") initiative to protect the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.⁴¹³² Peru's Ministry of Trade and Tourism is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, which conducts prevention and awareness-raising campaigns to combat the commercial exploitation of children in Latin America. The Joint Group was created in 2005 and includes Ministries of Tourism from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Suriname, Uruguay, and Venezuela.⁴¹³³

The Government of Peru has adopted the 2006-2010 United Nations Development Assistance Framework, which, among other goals, aims to build government capacity to combat child labor through effective policies and programs.⁴¹³⁴

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In recent years, the Government of Peru has implemented national anti-poverty and employment training programs. The Government's *Juntos* (Together) Program provides cash transfers to the poorest and most vulnerable households in 14 of the country's 26 departments, and has an annual budget of \$170 million. *Juntos* reaches a total of over 420,000 households in rural areas of Peru, and conditions transfers on beneficiaries' participation in health and education services.⁴¹³⁵ However, the cash transfers are not conditioned on withdrawal of children from child labor. In addition, the Ministry of Labor operates the *Construyendo Peru* (Building Peru) program which offers temporary work and technical training to low-income households, and requires beneficiaries to commit to withdrawing children from child labor. During the 2009 calendar year, the *Construyendo Peru*

program budget totaled \$37.3 million.⁴¹³⁶ The Ministry of Labor's *Mi Empresa* (My Business) program trains households on entrepreneurship skills and increasing family income. In addition, the Ministry of Labor runs a *PROJoven* (Pro-Youth) program which provides vocational instruction and on-the-job training to children and youth between the ages of 16 to 24 from low-income households.⁴¹³⁷ There is no available information on the impact of these national anti-poverty and employment programs on children's school attendance and participation in child labor.

The Government also implements the *Programa Educadores de Calle* (Street Educators), which aims to connect working children and their families to educational and social services with the goal of withdrawing them from exploitive work and improving family welfare.⁴¹³⁸ The program has been in operation for 17 years, and the program reports that it has withdrawn 58,000 children since its inception.⁴¹³⁹

The Government participated in donor-funded efforts to combat child labor. For example, it took part in a 4-year, USDOL-funded project to combat child labor which targeted 5,250 children for withdrawal and

5,250 children for prevention from exploitive work in the urban informal sector in Lima, Callao, Trujillo, and Iquitos.⁴¹⁴⁰ The Government also participates in a 4-year regional project to eradicate child labor in Latin America, funded by the Government of Spain.⁴¹⁴¹ In recent years, the Government took part in USDOL-funded projects to combat child labor in mining, commercial sexual exploitation, and domestic labor. These projects worked with local civil society organizations and Government institutions to build their capacity to combat child labor. One project assisted the national Government in the development of the National Commission and the National Plan against Child Labor.⁴¹⁴²

Although the Government of Peru has implemented programs to address the worst forms of child labor through the *Educadores de la Calle* program, research has found no evidence that there are programs to assist children working in agriculture, mining, domestic work, and commercial sexual exploitation. Evidence also indicates that existing programs do not reach many children working in urban informal work given the magnitude of child laborers in this sector.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Peru:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the scope of child labor inspections to detect the worst forms of child labor, including hazardous work.
- Make publicly available the number of child labor inspections carried out and resulting sanctions/penalties imposed.
- Allocate sufficient resources to law enforcement agencies to investigate and prosecute cases child trafficking.
- Develop a structured system to refer child victims of trafficking to social and legal services.

IN THE AREA OF SOCIAL PROGRAMS:

- Create social programs to reach children working in hazardous agriculture, domestic service, and commercial sexual exploitation.
- Expand social programs to reach children working in the urban informal sector.
- Implement the Directive 0086-2008-ED, to reinsert child laborers into the education system through both formal and informal programs.
- Carry out assessment of impact of cash transfer program and employment training programs on children's school attendance and participation in child labor.
- Implement awareness-raising measures in border areas to prevent the child trafficking and the sale of children to work in agriculture and the recruitment of children for transporting drugs.

⁴¹⁰² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴¹⁰³ Ruth Arroyo Aguilar and Luis Yupanqui Godo, *Peligros, Riesgos y Daños a la Salud de los Niños y Niñas que Trabajan en la Minería Artesanal*, International Labour Organization, Lima, 2005; available from http://www.ilo.org/public/libdoc/ilo/2005/105B09_643_span.pdf. See also ILO-IPEC, *Trabajo Infantil Estudio de Opinión Pública en el Perú*, Lima, 2007, 26; available from http://white.oit.org.pe/ippec/documentos/estudio_cap_pe.pdf. See also Government of Peru, *Plan Nacional de Prevención y Erradicación del Trabajo Infantil*, Lima, September 30, 2005, 14-15; available from http://www.mimdes.gob.pe/dgna/Plan_Nacional_Trabajo_Infantil.pdf. See also UNICEF, *Niños en Zonas Cocaleras*, Lima, 2006, 46-48; available from http://www.unicef.org/peru/spanish/peru_unicef_ninoszonascocaleras.pdf. See also ILO-IPEC, "Participación infantil y adolescente en la agricultura en América Latina: Panorama, lecciones y retos", [online], 2007 [cited August 9, 2010]; available from <http://white.oit.org.pe/ippec/alcencuentros/interior.php?notCodigo=1555#nota5>. U.S. Department of State, "Peru," in *Country Reports on Human Rights Practices-2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119170.htm>.

⁴¹⁰⁴ ILO-IPEC, *Trabajo Infantil Estudio de Opinión Pública en el Perú*, 28.

⁴¹⁰⁵ Ibid., 26 and 27. See also International Youth Foundation, *Prepárate para la Vida*, Project Document, Washington, DC, March 28, 2007, 7. See also Macro International Inc., *Children Working in Informal Sector Marketplaces: Lima, Peru*, Calverton, MD, January 12, 2007, 42.

⁴¹⁰⁶ ILO-IPEC, *Girls in Mining, research findings from Ghana, Niger, Peru and United Republic of Tanzania*, Geneva, 2007, 6; available from <http://www.ilo.org/ippecinfo/product/viewProduct.do?productId=5304>.

⁴¹⁰⁷ U.S. Department of State, "Peru (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010;

available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

⁴¹⁰⁸ U.S. Embassy- Lima, *reporting*, February 12, 2010. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Peru."

⁴¹⁰⁹ U.S. Department of State, "Trafficking in Persons Report- 2010: Peru." See also U.S. Embassy- Lima, *reporting*, February 12, 2010.

⁴¹¹⁰ U.S. Embassy- Santiago, *reporting* February 25, 2010. See also U.S. Embassy- La Paz, *reporting*, February 1, 2010. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Peru."

⁴¹¹¹ Government of Peru, *Ley que Modifica el Artículo 51 de la Ley No. 27337, Código de los Niños y Adolescentes*, 27571, (December 4, 2001); available from http://www.mintra.gob.pe/contenidos/legislacion/dispositivos_legales/ley_27571.htm.

⁴¹¹² Government of Peru, *Ley que Aprueba el Nuevo Código de los Niños y Adolescentes*, 27337, (August 2, 2000), articles 53, 54; available from <http://www.acnur.org/biblioteca/pdf/01163.pdf>.

⁴¹¹³ Ibid., article 58. See also Government of Peru, *Aprueban la "Relación de Trabajos y Actividades Peligrosas o Nocivas para la Salud Física o Moral de las y los Adolescentes"*, (July 25, 2006); available from http://white.oit.org.pe/ippec/documentos/decreto_tip_pe.pdf.

⁴¹¹⁴ Government of Peru, *Constitución Política del Perú*, article 2; available from <http://www2.congreso.gob.pe/congreso/Constitución-Política-08-09-09.doc>. See also Government of Peru, *Modificación del Código Penal* 28251, (June 7, 2004), article 168; available from http://www.oit.org.pe/ippec/documentos/ley_28251_esci_pe.pdf.

⁴¹¹⁵ Government of Peru, *Código Penal*, articles 179-181, 181-A, 183-A.

⁴¹¹⁶ Government of Peru, *Ley contra la Trata de Personas y el Tráfico Ilícito de Migrantes*, Law No. 28950, (January 16, 2007), articles 153 and 153-A; available from http://white.oit.org.pe/ippec/documentos/ley_trata_peru_06.pdf.

⁴¹¹⁷ Government of Peru, *Ley del Servicio Militar*, 27178, (September 28, 1999), articles 6 and 42; available from <http://www.resdal.org/Archivo/d0000281.htm>. See also Coalition to Stop the Use of Child Soldiers, "Peru," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁴¹¹⁸ Government of Peru, *Ley de Represión del Tráfico Ilícito de Drogas*, 22095, (February 21, 1978), article 57(c); available from <http://www.digemid.minsa.gob.pe/normatividad/DL2209578.HTM>.

⁴¹¹⁹ U.S. Embassy- Lima, *reporting*, March 23, 2010

⁴¹²⁰ Ibid.

⁴¹²¹ Ibid.

⁴¹²² Ibid.

⁴¹²³ U.S. Department of State, “Trafficking in Persons Report- 2010: Peru.”

⁴¹²⁴ U.S. Embassy- Lima, *reporting, March 23, 2010*.

⁴¹²⁵ Ibid. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Peru.”

⁴¹²⁶ U.S. Embassy- Lima, *reporting, March 23, 2010*.

⁴¹²⁷ Ibid. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Peru.”

⁴¹²⁸ U.S. Embassy- Lima, *reporting, February 12, 2010*. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Peru.”

⁴¹²⁹ Government of Peru, *Plan Nacional de Prevención y Erradicación del Trabajo Infantil*, 2005, 58-60; available from http://www.mimdes.gob.pe/dgna/dna/cpeti/Plan_CPETI.pdf.

⁴¹³⁰ Government of Peru, *Plan Nacional contra la Explotación Sexual Comercial de Niños, Niñas y Adolescentes*, 2006; available from http://www.mimdes.gob.pe/dgna/escnna/presentacion_plan.pdf.

⁴¹³¹ Ministry of Education, *Resolución Directoral*, 0086-2008-ED, (April 15, 2008); available from <http://www.minedu.gob.pe/DeInteres/index.php>. See also International Youth Foundation, *Prepárate para la Vida*, Technical Progress Report, Lima, March 31, 2010, 42.

⁴¹³² Argentine Ministry of Justice, Security, and Human Rights, *XII Reunión de Altas Autoridades Competentes en Derechos Humanos y Cancillerías del MERCOSUR y Estados Asociados*, [[cited April 7, 2009]; available from <http://www.derhuman.jus.gov.ar/mercosur/>. See also Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, *La Iniciativa Nin@Sur, una Instancia Regional que se Afirma*, April 2008; available from http://www.casacidn.org.ar/news_abril/nota1.html.

⁴¹³³ Brazilian Ministry of Tourism, *Ecuador Assume Direção de Grupo Latino-Americano para a Proteção Infante-Juvenil*, November 26, 2008; available from <http://www.jornaldeturismo.com.br/noticias/7-governo/20432-ecuador-assume-direcao-de-grupo-latino-americano-para-a-protecao-infante-juvenil.html>. See also Ministry of

Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, 2008; available from http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43.

⁴¹³⁴ United Nations Development Group, *Marco de Asistencia para el Desarrollo* 2006, 10; available from http://www.undg.org/archive_docs/6615-Peru_UNDAF__2006-2010_.pdf.

⁴¹³⁵ Government of Peru, *Introducción, Juntos*, [online] 2010 [cited July 2, 2010]; available from <http://www.juntos.gob.pe/introduccion.php>.

⁴¹³⁶ Government of Peru, *Ejecución Presupuestal 2009*, 2009; available from <http://www.construyendoperu.gob.pe/Documentos/Financiera/Resumen%20Ejecución%20de%20Compromisos%20vs%20PIM%20menzualizada%202009.pdf>. See also U.S. Embassy- Lima, *reporting, March 23, 2010*. See also Government of Peru, *Los Participantes, Construyendo Peru*, [online] 2007 [cited July 2, 2010]; available from http://www.construyendoperu.gob.pe/part_participantes.html.

⁴¹³⁷ U.S. Embassy- Lima, *reporting, March 23, 2010*.

⁴¹³⁸ Programa Integral Nacional para el Bienestar Familiar (INABIF), *Programa Educadores de Calle - PEC* [online] January 30, 2010 [cited February 23, 2010]; available from http://www.inabif.gob.pe/portal/03_salaprensa/2010/210110_educadores.html. See also Programa Integral Nacional para el Bienestar Familiar (INABIF), *Programa Educadores de Calle*.

⁴¹³⁹ Programa Integral Nacional para el Bienestar Familiar (INABIF), *Programa Educadores de Calle*.

⁴¹⁴⁰ International Youth Foundation, *Prepárate para la Vida, Project Document*, 7, 13-14.

⁴¹⁴¹ ILO-IPEC official, E-mail communication to USDOL official, June 17, 2010, ILO-IPEC official, E-mail communication to USDOL official, December 18, 2008.

⁴¹⁴² ILO-IPEC, “Evaluation: Program for the prevention and progressive elimination of child labour in small-scale traditional gold mining in South America,” (2005). See also ICF Macro, *EduFuturo: Combating Child Labor through Education in Peru*, 2006, 21-25.

Philippines

The Government of the Philippines strengthened its legal and policy framework to combat the worst forms of child labor by creating anti-child pornography legislation and granting labor inspectors the authority to close businesses violating child labor laws. The worst forms of child labor continue to exist, especially in agriculture and domestic service. Significant gaps remain in child labor laws and enforcement efforts, and existing social protection programs are not sufficient to prevent and eliminate the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.3%
Attending School	5-14 yrs.	79.6%
Combining Work and School	7-14 yrs	11.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Philippines are exploited in the worst forms of child labor,⁴¹⁴³ many of them in agriculture where they often work long hours, perform physically arduous tasks, use dangerous tools, and face a high risk of occupational injury. Children work in the production of bananas, coconuts, corn, rice, rubber, sugarcane, tobacco, and other fruits and vegetables.⁴¹⁴⁴ Children are also commonly employed as domestic servants or *kasambahays*.⁴¹⁴⁵ Many child domestics work long hours, and their isolation in homes makes them susceptible to sexual harassment and physical abuse. Domestic workers are sometimes subjected to forced labor. Children are also involved in compressor mining to extract gold, which requires them to dive into pools of mud with an oxygen tube.⁴¹⁴⁶ Deep-sea fishing is another pursuit in which children participate in two different dangerous activities. They dive from platforms to cast and retrieve nets in deep waters and they drag nets alongside boats, which can result in falls, drowning, and injuries from the nets such as burns and entanglement.⁴¹⁴⁷ In addition, boys and girls work in home-based manufacturing industries that range

from making fireworks to fashion accessories. This work can be harmful because children, particularly migrant children, work longer hours than allowed with no supervision.⁴¹⁴⁸ Rural to urban migration has swollen the ranks of the urban poor, adding to the number of children who may be found living, working, scavenging, and begging on the streets, and exposed to multiple dangers including criminal elements and severe weather.⁴¹⁴⁹

Children's exploitation in the prostitution, pornography, and sex tourism industries is also a significant problem in the Philippines.⁴¹⁵⁰ In addition, children, primarily girls, are trafficked from rural to urban areas for forced domestic service and commercial sexual exploitation.⁴¹⁵¹ Children are known to be involved in illicit activities, such as the production and trafficking of drugs.⁴¹⁵² There are no reports of children in the government armed forces in the Philippines but child soldiering is a problem among anti-government and terrorist organizations. The Moro Islamic Liberation Front has made commitments to stop the recruitment and use of children as child soldiers, but the current status of children in its ranks

is unclear.⁴¹⁵³ The Abu Sayyaf Group and the New People's Army, two terrorist organizations, continue to recruit and use child soldiers.⁴¹⁵⁴

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 15 and the minimum age for hazardous work at 18.⁴¹⁵⁵

Republic Act No. 9231, An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, provides for the protection from and removal of children working in the worst forms of child labor, including forced labor; child trafficking, prostitution, pornography; and the use of a child for illicit activities. It also provides stringent penalties for violations of the act.⁴¹⁵⁶ Republic Act No. 9775, Anti-Child Pornography Act of 2009, protects children against pornography and specifies penalties for violations.⁴¹⁵⁷ Republic Act No. 9775 establishes strict penalties for persons responsible for the production, distribution, and publication of child pornography, including internet service providers and content hosts.⁴¹⁵⁸ Republic Act No. 9208, Anti-Trafficking in Persons Act prohibits trafficking in persons, including children.⁴¹⁵⁹

During the reporting period, the Government of the Philippines made changes to its legal framework that provide the Department of Labor and Employment (DOLE) broader authority in regards to enforcing child labor laws and setting penalties for child pornography.⁴¹⁶⁰ For example, DOLE's Department Circular No.3, series of 2009 providing for the Guidelines on the Procedure for Closure of Business, Firm, or Establishment under RA 9231 states DOLE regional directors have the authority to shut down workplaces found in violation of child labor laws, including the immediate closure of firms where the work may cause a child imminent physical or mental harm, especially establishments in which child prostitution occurs.⁴¹⁶¹

While the recent legal changes were important, two significant gaps remain. First, children in the Philippines are required to attend school only until the age of 11. This standard makes children ages 12 to 14 particularly vulnerable to the worst forms of child labor as they are not required to be in school

and are not legally permitted to work. Second, child domestic workers also lack adequate legal protections. The Domestic Workers Bill, commonly known as the *Batas Kasambahay*, has been introduced to Congress repeatedly, but it has yet to be enacted.⁴¹⁶²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

To coordinate efforts to combat child labor, the Government has established the National Child Labor Committee (NCLC), which is headed by DOLE and comprised of approximately 10 other departments, including the Departments of Education (DepEd), Health (DOH), Justice (DOJ), and Social Welfare and Development (DSWD).⁴¹⁶³ NCLC is intended to promote information sharing at the national level, and this monitoring mechanism has been replicated at the regional, local, and village levels.⁴¹⁶⁴

The Inter-Agency Council Against Trafficking (IACAT) coordinates, monitors, and oversees ongoing implementation of efforts to combat child trafficking.⁴¹⁶⁵ The Department of Justice (DOJ) is the chair of the IACAT, which is comprised of other government agencies including DSWD and NGOs.⁴¹⁶⁶ IACAT did not receive any budgeted, line-item funding from the National Government for FY 2009 and FY

2010, but did receive funding from the Office of the President and PAGCOR, a government-controlled corporation created to regulate the gaming industry in the country.⁴¹⁶⁷

DOLE is also the primary government agency responsible for the enforcement of child labor laws. It employs 208 labor and employment officers nationwide, who have numerous responsibilities related to the monitoring and enforcement of the labor code. Approximately 153 of them have inspection authority, and these officers monitor for child labor violations as part of their general labor law compliance inspections.⁴¹⁶⁸ While DOLE conducts regular trainings for its labor inspectors on child labor, the Government acknowledges that the limited number of labor inspectors makes it difficult to enforce child labor laws.⁴¹⁶⁹ The number of sites inspected dropped from 26,169 in 2008 to 4,670 in 2009.⁴¹⁷⁰ The Government attributes this decline to the financial crisis. Inspectors found violations in more than half of the establishments inspected, 2,954 out of 4,670. Only three, however, were child labor-related violations.⁴¹⁷¹ The small number of child labor violations uncovered during the period relative to the scope and prevalence of child labor points to an insufficient number of labor inspections in sectors where children are known to work.

In addition to DOLE's labor inspections, DOLE also leads an innovative community-based mechanism for detecting, monitoring, and reporting children working in abusive and hazardous situations through the *Sagip Batang Manggagawa* (SBM-“Rescue the Child Laborers”) Quick Action Teams (QAT). The SBM-QAT is composed of DOLE; DSWD; DOH; DepEd; DOJ; Philippine Information Agency; Philippine National Police (PNP); and the Department of the Interior and Local Government.⁴¹⁷² Other civil society groups are also part of the team, including Barangay (Village) Councils for the Protection of Children; school officials; social service departments of hospitals; labor groups; and other NGOs.

From January to December 2009, SBM-QAT conducted 16 removal operations involving 79 children engaged in exploitive labor.⁴¹⁷³ These children were referred to DSWD for rehabilitation and reintegration. However, it is unclear what activities the children

were involved in or whether subsequent legal action was taken against their employers under Philippine law. Additionally, reports indicate that SBM-QATs lack sufficient logistical supplies to carry out their mission.⁴¹⁷⁴

The Philippine National Police (PNP) is the principal enforcement agency for child trafficking and commercial sexual exploitation.⁴¹⁷⁵ There is no centralized hotline to report trafficking cases.⁴¹⁷⁶

In 2009, the PNP reported 154 cases of child trafficking under investigation, and the National Bureau of Investigations (NBI) reported 189 cases of both adult and child trafficking under investigation.⁴¹⁷⁷ The NBI does not disaggregate data by adults and children, so it is unclear how many of those cases involved minors, or whether the same cases were counted by both agencies. Children are trafficked for both sex and labor in the Philippines, but convictions have been limited to cases of trafficking for sex. In 2009, the Philippine Government convicted eight individuals in five cases of sex trafficking involving minors.⁴¹⁷⁸ Four of these eight convictions were initiated by NGOs, not the Government of the Philippines. In September 2009, a case filed by an NGO resulted in the conviction of two offenders. Each of the offenders was sentenced to life in prison and fined \$40,000.⁴¹⁷⁹

Government Policies on the Worst Forms of Child Labor

The Philippine National Strategic Framework for Plan Development for Children, 2000-2025, also known as “Child 21,” and the Philippine Program against Child Labor (PPACL) Strategic Framework 2007-2015 serve as the primary government policy instruments to prevent and eliminate child labor in the Philippines. Child 21 sets out broad goals to achieve improved quality of life for Filipino children by 2025, and the PPACL lays out the blueprint for reducing the incidence of child labor by 75 percent by 2015.⁴¹⁸⁰ To achieve this blueprint, PPACL identifies five strategic directions that aim to prevent, protect, and reintegrate children from the worst forms of child labor.⁴¹⁸¹ To translate this strategic framework into action, the Plan of Action (2008-2010) was developed to identify concrete programs, projects, and activities with specific indicators as benchmarks.⁴¹⁸²

In the Philippines, child labor has also been mainstreamed into the following national development agendas under the United Nations frameworks: Millennium Development Goals (2015), Medium Term Philippine Development Plan or MTPDP (2004-2010), Philippine Decent Work Common Agenda (2010), Education for All National Plan (2004-2015), Basic Education Reform Agenda, and United Nations Development Assistance Framework Workplan (2011).⁴¹⁸³ For example, the MTPDP includes measures for reducing the incidence of child labor, especially in hazardous occupations. In the plan, the Philippine Government specifically pledges to strengthen monitoring systems of child protection laws; develop “social technologies” to monitor child trafficking and pornography; and implement programs for children in armed conflict.⁴¹⁸⁴

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of the Philippines has participated in donor-funded projects to combat the worst forms of child labor in agriculture, mining and quarrying, fashion manufacturing, deep-sea fishing, domestic work, commercial sexual exploitation, garbage scavenging, and child trafficking in commercial sexual exploitation and forced labor.

In June 2002, the Philippines became the first country in Southeast Asia and fourth country in the world to launch a Timebound Program (TBP) and commit to a 75 percent reduction of the worst forms of child labor by 2015. The Philippine TBP has largely been financed in two phases from 2002 through 2013, for a total of approximately \$22.4 million in USDOL donor funding.⁴¹⁸⁵ Under the first phase, USDOL funded two projects between 2002 and 2008 totaling over \$11 million which provided education services and other supports to withdraw and prevent children from exploitive work.⁴¹⁸⁶ In addition, both projects achieved important advancements in raising public awareness and successfully advocated for legislative reforms.⁴¹⁸⁷

With continued funding from the United States, the Philippines is currently participating in second phases of both of these projects. A followup USDOL-funded \$6.6 million project from 2007 to 2011 will withdraw 18,303 children and prevent 12,097 children from

the worst forms of child labor.⁴¹⁸⁸ Another followup USDOL-funded \$4.8 million project from 2009 to 2013 will withdraw and prevent 9,350 children from the worst forms of child labor through the provision of educational and non-educational services.⁴¹⁸⁹ While these projects are important for the elimination of the worst forms of child labor, they can be sustained only if the Philippines integrates them into its existing social protection programs for children.

Although the Philippines has yet to adopt the measures necessary to ensure the long-term success of these internationally supported initiatives, it is taking some steps to target children in or at-risk of exploitive labor under the auspices of its own social protection programs. For example, in February 2010, DOLE issued a memo to the regional offices requiring them to allocate 5 percent of the Workers Income Augmentation Program (WINAP) funds for the implementation of the DOLE Child Labor Prevention and Elimination Program in specific sectors.⁴¹⁹⁰ DOLE’s Project Angel Tree provided 7,199 child laborers with educational assistance in 2009.⁴¹⁹¹ DOLE’s *Kabuhayan para Sa Magulang ng Batang Manggagawa* (KASAMA), or Livelihood for Parents of Child Laborers program, provides funds to parents, guardians, and older siblings of working children in exchange for the removal of those children from exploitive child labor.⁴¹⁹² In another project, the Philippine Government also specifically targets poor families with children engaged in labor or those with children at risk of becoming laborers to receive benefits through a conditional cash transfer (CCT) program to provide health care and educational subsidies. In 2009, CCTs were awarded to 692,798 households.⁴¹⁹³ The Government is also providing school nutrition programs to children at risk of becoming laborers, including those who also receive CCT benefits.⁴¹⁹⁴

DOLE’s Youth Education-Youth Employability program provides disadvantaged youth, such as former child laborers, with the resources to pursue post-secondary education through either academic or vocational courses.⁴¹⁹⁵

The DepEd has likewise created a comprehensive Alternative Learning System program that offers non-formal education to all out-of-school children, including child laborers, and also offers them

opportunities to attain education equivalency. While education equivalency has been difficult for many child laborers due to insufficient preparation, this avenue continues to be an option for child laborers to gain access to formal institutions, such as higher education or workforce development institutions.⁴¹⁹⁶

While the Government made efforts to reach vulnerable children and combat child labor, the existing resources and number of social programs are insufficient to reach the large number of children engaged in or at risk of the worst forms of child labor in the country.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Philippines:

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the age of compulsory schooling to match the minimum age for work.
- Enact the Domestic Workers Bill (*Batas Kasambahay*), which would extend legal protections to domestic workers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors responsible for child labor and devote more resources to enforcement of child labor laws, including by:
- Targeting the number of inspections in sectors where children work.
- Providing logistical supplies to the *Sagip Batang Manggagawa* Quick Action Teams (SBM-QATs).

IN THE AREA OF PROGRAMS:

- Expand social programs and dedicate additional resources to prevent children's involvement in the worst forms of child labor.

⁴¹⁴³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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⁴¹⁵³ U.S. Department of State, *Human Rights Reports: Philippines 2009*. See also United Nations Security Council, *Report of the Secretary General on Children and Armed Conflict in the Philippines*, January 21 2010.

⁴¹⁵⁴ U.S. Department of State, *Human Rights Reports: Philippines 2009*. See also Coalition to Stop the Use of Child Soldiers, "Philippines," in *Child Soldiers Global Report 2008*, London, 2008, 277-278; available from <http://www.childsoldiersglobalreport.org/>. See also Council, *Report of the Secretary General on Children and Armed Conflict in the Philippines*.

⁴¹⁵⁵ *The Labor Code of the Philippines*.

⁴¹⁵⁶ Government of the Philippines, *An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child*, Republic Act No. 9231, (December 19, 2003), section 3, 6; available from http://www.lawphil.net/statutes/repacts/ra2003/ra_9231_2003.html.

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available from <http://news.abs-cbn.com/print/77438>. See also Shianee Mamanglu, "Child Labor Law Strengthened," *Manilla Bulletin* (Manilla), November 7, 2009; available from <http://www.mb.com.ph/articles/228386/child-labor-law-strengthened>.

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⁴¹⁶⁸ U.S. Embassy- Manila, *reporting*, February 2, 2010.

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⁴¹⁷⁰ U.S. Embassy- Manila official, E-mail communication, October 22, 2010.

⁴¹⁷¹ U.S. Embassy- Manila, *reporting*, February 2, 2010. See also U.S. Embassy- Manila official, E-mail communication, October 22, 2010.

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⁴¹⁷⁹ U.S. Department of State, *Trafficking in Persons Report 2010*.

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⁴¹⁸⁹ ILO-IPEC, *Towards a Child Labor-Free Philippines: Supporting the 'Philippine Program Against Child Labor' in Building on Past Gains and Addressing Challenges*.

⁴¹⁹⁰ Government of the Philippines, *submission*.

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⁴¹⁹² World Vision, *Combating Child Labor through Education in the Philippines: The ABK 2 Initiative*, Manila, September 2009.

⁴¹⁹³ U.S. Embassy- Manila, *reporting*, February 26, 2010.

⁴¹⁹⁴ Ibid.

⁴¹⁹⁵ World Vision, *ABK 2 Initiative: Technical Progress Report*. See also Trade Union Congress of the Philippines, *Young Workers Have Spoken: Make Decent Work for Youth A Reality*, [online] April 12, 2008 [cited May 19, 2010]; available from <http://www.tucp.org.ph/news/index.php/category/tucp-developments/>.

⁴¹⁹⁶ ILO-IPEC, *Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*.

Russia

The Government of Russia implemented a national fund that provides social welfare assistance to the country's significant population of homeless and orphaned children, many of whom are engaged in unhealthy and unsafe work on the streets. However, the Government has not designated an agency or other body to coordinate national action and policy to combat the worst forms of child labor. Street children continue to engage in illegal and dangerous work, including commercial sexual exploitation and the drug trade.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Russia are exploited in the worst forms of child labor.⁴¹⁹⁷ Many of them beg or work in the informal sector on the streets of major cities.⁴¹⁹⁸ Older estimates set the number of street children, which may include children who spend daylight hours on the streets as well as homeless children, from 690,000 to as many as 5 million.⁴¹⁹⁹ In 2010, the Public Chamber's Commission on Social Questions and Demographic Policies estimated that approximately 560,000 children are homeless; many of these children are at risk of labor exploitation. Children working on the street perform potentially dangerous activities including repairing cars, carrying heavy loads, and collecting trash (which may contain toxic or injurious materials). They also engage in illegal activities such as prostitution, pornography, and selling drugs or stolen goods.⁴²⁰⁰ Homeless and orphaned children are particularly vulnerable to involvement in criminal activities in the informal economy.⁴²⁰¹ Children from neighboring countries also engage in exploitive work in Russia.⁴²⁰²

In rural areas, children primarily work in agriculture.⁴²⁰³ This work may involve risks to their

safety and health, such as using potentially dangerous machinery and tools, carrying of heavy loads, and applying harmful pesticides.

Commercial sexual exploitation of children, especially in the large cities, remains a concern.⁴²⁰⁴ Moscow and St. Petersburg are hubs of child trafficking and child commercial sexual exploitation. Children are trafficked internally to these cities and other regions of the country, and from Moldova, Ukraine, Belarus and Kazakhstan, and forced into begging or prostitution.⁴²⁰⁵ Both girls and boys are trafficked for prostitution, child sex tourism, and pornography.⁴²⁰⁶

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age of employment at 16, with exceptions for 15-year-olds who have completed general education and children under age 14 working in the performing arts, if such work will not harm their health or moral development.⁴²⁰⁷ Children under age 18 are prohibited from engaging in night work, dangerous work, underground work, or work that may be harmful to their health or moral development. This includes carrying heavy loads

and the production, transportation, and sale of toxic substances (including tobacco, alcohol, and drugs).⁴²⁰⁸ Russia's minimum age for both voluntary and compulsory military recruitment is age 18.⁴²⁰⁹

The Constitution prohibits forced labor and the Criminal Code explicitly outlaws the engagement of a known minor in slave labor.⁴²¹⁰ Section 127 of the Criminal Code prohibits the purchase, sale, recruitment, transportation, harboring, and receiving of a person for the purpose of exploitation, with higher penalties imposed when the victim is a known minor. It is punishable under the Criminal Code to involve a minor in a crime.⁴²¹¹ Involving a minor in prostitution, and creating or circulating pornography depicting a known minor, are also punishable under the Criminal Code.⁴²¹² However, Russian law does not criminalize the possession of child pornography, nor does it provide a definition of the term "child pornography".⁴²¹³ This may hamper enforcement efforts because of a lack of clear guidance regarding what can be prosecuted as child pornography.

During the reporting period, the Government strengthened criminal punishments available for child sexual exploitation and child pornography by lengthening maximum sentences within the legal guidelines.⁴²¹⁴

Institutional Mechanisms for Coordination and Enforcement



Research has found no evidence that the Government of Russia has established a coordinating mechanism to combat the worst forms of child labor.

The Federal Labor and Employment Service (FLES) is responsible for enforcing child labor laws.⁴²¹⁵ In 2008, the most recent period for which statistics are available, 10,000 child labor violations were reported by FLES. According to this agency, victims often worked in hazardous conditions for low pay, and were most commonly found in industry, agriculture, and trade.⁴²¹⁶ Fines totaling \$52,000 were paid by employers who violated child labor laws.⁴²¹⁷

The Ministry of Internal Affairs (MIA) has responsibility for investigating crimes with respect to the worst forms of child labor.⁴²¹⁸ Within MIA, the Criminal Investigation Department investigates severe crimes against children and the Public Security Police Service investigates sex crimes against children, including prostitution and pornography.⁴²¹⁹ The Public Prosecutor is charged with prosecuting violations identified by these two agencies. During the reporting period, a small number of law enforcement personnel were trained on trafficking issues.⁴²²⁰

For the first half of 2009, the most recent period for which data is available, the MIA registered 159 crimes involving the production and distribution of pornography. Official data is not available on either child trafficking investigations or the number of prosecutions or convictions for this or other crimes relating to the worst forms of labor.

In 2009, the ILO Committee of Experts examined the Russian Federation's compliance with the provisions of Convention 182, noting that the Government had repeatedly failed to provide information on the impact of its efforts to prevent child trafficking as required of signatories to the Convention. The ILO has reiterated concerns expressed by the UN Committee on the Rights of the Child over the increasing number of street children in Russia, who are vulnerable to trafficking and labor exploitation.⁴²²¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Government Policies on the Worst Forms of Child Labor

In 2009, the Russian Government created a new federal office to protect children's rights, the Office of the Children's Ombudsman. Regional ombudsmen had already been established in 23 of Russia's 87 provinces; in 2009 their numbers were increased to 28. Since 2006, regional legislatures have made appointments to their ombudsmen offices, expanding the authority of the offices and giving them parliamentary status.⁴²²² These offices are charged with publicly advocating for the needs of vulnerable children, and focus on the plight of street children and orphans.

The Government continues to implement a flagship child welfare policy "Children of Russia". Research found no evidence to determine whether this policy impacts the worst forms of child labor.⁴²²³ Because the Government does not collect and analyze national statistics on child labor, current policy and programming may not be sufficiently targeting populations in need, such as rural children engaged in or at risk of hazardous labor in agriculture.

Russia has engaged in multilateral discussions on cross-border trafficking policy. In September 2009, Russia and other members of the Commonwealth of Independent States (CIS) agreed on recommendations to modernize their regional cooperation strategy to combat human trafficking. These recommendations are to be adopted in the CIS 2010-2014 anti-trafficking plan.⁴²²⁴

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In the past, Russia has participated in projects led by international organizations that focused either on assessing the nature of the street child phenomenon and referring such children to social service programs or improving overall quality of and access to primary education.⁴²²⁵

The Government has also cooperated with international organization projects to prevent and provide assistance to victims of child trafficking. One such program, an IOM project (funded in 2007 by the European Commission, USDOS and the Government of Switzerland) operated three Information and Consultative Centers and one Rehabilitation Center to prevent trafficking and assist victims. The project also coordinated referrals to law enforcement and relevant federal agencies, and provided training to government personnel. The centers, which served vulnerable youth and other at-risk groups, closed at the end of 2009 when they could not secure financial support from the Government.⁴²²⁶

At the local level, the St. Petersburg Government Commission on Issues of Minors and Protection of their Rights manages a working group that meets regularly to address trafficking and child sexual exploitation. During the reporting period, the city expanded the number of facilities that provide shelter and social rehabilitation to homeless children. The St. Petersburg Government Commission also set up a subcommittee on minors in each district.⁴²²⁷

In 2009, the Government of Russia continued the Fund for Children's Support, a child welfare program it initiated the previous year, allocating approximately \$21 million (with an additional \$162 million from regional governments, industry, and NGOs). Among other goals, the Fund is intended to support social programs to assist orphans and to provide for the social rehabilitation of disadvantaged children, including homeless children.⁴²²⁸ The Fund implemented 58 regional programs in 2009.⁴²²⁹

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Russia:

IN THE AREA OF LAWS AND REGULATIONS:

- Criminalize possession of child pornography.
- Codify a legal definition of child pornography.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Gather and report timely statistics on the investigation and prosecution of violations of the worst forms of child labor.

IN THE AREA OF POLICIES:

- Collect data on the nature and prevalence of child labor to guide the design of policy and programming.
- Assess the impact that the Children of Russia policy may have on addressing the worst forms of child labor.
- Formalize the agreement made with migrant-sending countries in the CIS to adopt a new joint cooperation strategy to combat trafficking in persons.

IN THE AREA OF PROGRAMS:

- Build on the groundwork laid by the IOM's consultative and rehabilitation centers by creating a similar mechanism within the federal government to coordinate information and case referrals among relevant agencies and provide assistance to trafficking victims.
- Consult with the Minors Committee of the City of St. Petersburg to identify lessons learned in service provision to trafficked children and facilitate replication of its program in other areas across the country where trafficking is prevalent.

⁴¹⁹⁷ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

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⁴²²⁸ U.S. Embassy- Moscow, *reporting, January 12, 2009*. See also “All-Russian Contest of Children Support Social Projects to Be Held in Russian Regions,” *Vladivostok Times* (Vladivostok), February 1, 2009; available from <http://vladivostoktimes.ru/show/?id=34603&p=12>.

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Rwanda

The Government of Rwanda has strengthened its legal framework against the worst forms of child labor by raising the minimum age for hazardous work from 16 to 18 and passing a Ministerial Order listing the prohibited worst forms of child labor. Despite these efforts, Rwanda has not devoted sufficient resources to enforce its child labor laws effectively. This contributes to the large number of children who work in hazardous conditions, especially in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	6.1%
Attending School	5-14 yrs.	82.9%
Combining Work and School	7-14 yrs	6.1%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Rwanda, including in agriculture.⁴²³⁰ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of potatoes, corn, beans, sorghum, bananas, rice, and sugar. Children also produce tea. Such work may involve using tools, carrying heavy loads, and applying harmful pesticides.⁴²³¹ Limited evidence suggests that children herd livestock, sometimes working long hours outside.⁴²³² Children are also found working in domestic service.⁴²³³ Child domestics are vulnerable to sexual and other forms of abuse by their employers and may work long hours.⁴²³⁴

There is reason to believe that children produce charcoal and work as porters.⁴²³⁵ They also engage in heavy manual labor such as brick making, digging, and mining.⁴²³⁶ Children in rural Kigali also mine sand in dirty water, exposing themselves to waterborne diseases.⁴²³⁷ In Nachonga, Gasabo District, Gikongoro, and Rulindo, children working in quarries risk eye and lung damage from stone dust.⁴²³⁸ In Rwanda, an estimated 7,000 children live and work on the streets. Some beg, sell goods, and collect garbage.

These children are vulnerable to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and exposure to criminal elements.⁴²³⁹

Prostitution and trafficking also occur in Rwanda. Older women sometimes coerce girls to provide sexual services in exchange for cash, protection, and living quarters.⁴²⁴⁰ Loosely structured prostitution networks recruit children from secondary schools.⁴²⁴¹ Girls are known to be trafficked internally into domestic servitude and prostitution.⁴²⁴² Children are also trafficked to Uganda, Tanzania, and Kenya for forced agricultural labor, commercial sexual exploitation, and domestic servitude.⁴²⁴³ In a few isolated cases, children have been trafficked into Rwanda.⁴²⁴⁴

Unlike in past years, there was no indication in 2009 that the National Congress for the Defense of the People (CNDP) recruited Congolese boys from Rwanda-based refugee camps, as well as Rwandans from nearby towns, into forced labor and soldiering in the Democratic Republic of the Congo.⁴²⁴⁵

Laws and Regulations on the Worst Forms of Child Labor

The Government of Rwanda's 2009 Labor Law sets the minimum age for work at 16 and raised the minimum age for hazardous work from 16 to 18. This law prohibits children under age 18 from night work and work which is difficult, unsanitary, or dangerous.⁴²⁴⁶ It also prohibits children from working in the worst forms of child labor, which are defined as in ILO Convention 182 to include: slavery or similar practices, forced or bonded labor, the use or recruitment of children into armed conflict, illicit activities, or prostitution, and any work whose nature is detrimental to the health, security, or morals of a child.⁴²⁴⁷ The 2010 Ministerial Order on the worst forms of child labor prohibits children from working at industrial institutions and in domestic service, mining and quarrying, construction, brick making, and applying fertilizers and pesticides.⁴²⁴⁸ In addition to the national laws, some districts have bylaws against hazardous child labor, sanctioning employers and parents for violations.⁴²⁴⁹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	✓

Penalties for violations of the Labor Law provisions on worst forms of child labor and hazardous work are stringent, with up to 20 years incarceration and fines.⁴²⁵⁰ While the Labor Law offers some protection

to workers in the informal sector, these protections do not extend to child laborers.⁴²⁵¹

The Law Relating to Rights and Protection of the Child against Violence prohibits slavery, child rape, recruiting, using, or profiting from child prostitution, and using children in pornographic publications or for illicit activities.⁴²⁵² The Labor Law and Law Relating to the Rights and Protection of the Children against Violence also prohibit children under age 18 from military service and armed combat.⁴²⁵³

Institutional Mechanisms for Coordination and Enforcement

The National Advisory Committee on Child Labor coordinates government efforts relating to the worst forms of child labor and is responsible for reviewing child labor laws, advocating for the inclusion of child labor policies in national development plans, overseeing the implementation of child labor interventions, and conducting field visits to assess child labor and raise awareness.⁴²⁵⁴ This group meets quarterly and includes representatives from the Ministry of Public Service and Labor (MIFOTRA), the Rwandan National Police (RNP), the National Human Rights Commission, the Ministry of Youth (MINIYOUTH), the Ministry of Education (MINEDUC), the Ministry of Gender and Family Promotion (MIGEPROF), the Ministry of Local Government, Community Development and Social Affairs (MINALOC), the Ministry of Sports and Culture (MINISPOC), the Rwanda Demobilization and Reintegration Commission (RDRC), Rwandan trade unions, the International Labor Organization (ILO), UNICEF, the Private Sector Federation (PSF), and Winrock International.⁴²⁵⁵ At the village level, 149 Local Child Labor Committees (LCLCs) monitor incidents of child labor.⁴²⁵⁶

To enforce child labor laws, MIFOTRA also employs 30 labor inspectors, one per district; however, some are constrained by a lack of transportation and resources. They are supervised by the district authorities and work with the RNP.⁴²⁵⁷ There is also one labor inspector at the national level supervised by the Directorate General in charge of labor. MIFOTRA trains labor inspectors at least twice a year to identify and investigate child labor violations.⁴²⁵⁸ MIFOTRA employees also visit labor inspectors to assess their

performance at least every six months.⁴²⁵⁹ Several times a year, labor inspectors train employers and local authorities on child labor issues.⁴²⁶⁰ Even though the Labor Law does not cover children working in the informal sector, the Government reports that the criteria for conducting inspections is based on whether the type of work may harm the child's health, physical and mental development, morals, and education.⁴²⁶¹ Inspections can be conducted without prior notice and labor inspectors may issue warnings, which must be corrected by the offender within seven days. Otherwise, the labor inspector may ask the authorities to close the institution under investigation temporarily.⁴²⁶² In 2009, labor inspectors issued warnings to people illegally employing children; however, information is not yet available on the number of inspections conducted or whether child labor cases were managed efficiently and appropriate penalties applied.⁴²⁶³

Within villages, citizens can report instances of child labor to the local volunteer officer in charge of social affairs.⁴²⁶⁴ If the officer cannot resolve the problem, it may be referred to the village leader, who in turn may contact the police. In Rwanda, the district authorities' personal performance contracts include targets for increasing school enrollment, thereby reducing child labor.⁴²⁶⁵ District authorities in Gakenke, using local bylaws, detained 350 children working in a market and advised the parents to send their children to school.⁴²⁶⁶ The RNP enforces criminal laws relating to the worst forms of child labor. Within the Criminal Investigation and Scientific Police of the RNP, there is a Child Protection Unit with a network of investigators throughout the country responsible for cases of child abuse, including the use of children in commercial sexual exploitation and trafficking.⁴²⁶⁷ In collaboration with MIGEPROF, the RNP established a gender desk at its headquarters to respond to complaints of gender-based violence. The RNP also operates a free hotline to report incidences of gender-based violence, which is also used for reporting child abuse, including child labor.⁴²⁶⁸

Some trafficking cases are referred to the RNP by the Directorate General of Immigration and Emigration.⁴²⁶⁹ The Government trains the RNP specifically in sex crimes, crimes against children, and preventing transnational child trafficking; however some officials lack awareness and training on how to handle internal trafficking cases.⁴²⁷⁰ In addition, there

have been indications that some members of the RNP are not sensitized to the needs of child trafficking victims, and that some children found engaged in commercial sexual exploitation were detained in Kigali's Gikondo transit center for several months without being charged for a crime.⁴²⁷¹ At the time of reporting, the Government was investigating two possible cases of transnational child trafficking.⁴²⁷² Immigration and customs officers assist with the enforcement of child trafficking laws. These officials collaborate with their counterparts in the neighboring countries of Uganda, Tanzania, Burundi, and the Democratic Republic of Congo.⁴²⁷³ Standard procedure requires these officials to question all adults seeking to cross the border with children and to show written proof that they have permission from the children's parents or guardian.⁴²⁷⁴

Government Policies on the Worst Forms of Child Labor

The Government has developed a National Policy for the Elimination of Child Labor and a 5-year Action Plan, which it plans to finalize after the publication of the national child labor survey.⁴²⁷⁵

The 2003 National Policy for Orphans and Other Vulnerable Children includes strategies to address the worst forms of child labor by improving working conditions, providing support to needy families, and strengthening the education system.⁴²⁷⁶ In 2007, the Government adopted the National Strategic Plan of Action for Orphans and Other Vulnerable Children in Rwanda (NSP) which provides a more detailed framework to achieve the objectives of the National Policy for Orphans and Other Vulnerable Children.⁴²⁷⁷ The services offered to orphans and vulnerable children (OVCs) include health care, shelter, education, psychological support, and livelihood enhancement. However, due to the sheer magnitude of the problem, three-fourths of OVCs have not received government assistance.⁴²⁷⁸

Rwanda has also made policy commitments to combat the worst forms of child labor in its National Employment Policy and Economic Development and Poverty Reduction Strategy (2008-2012) (EDPRS).⁴²⁷⁹ The Government of Rwanda also adopted the Nine Years Basic Education (9YBE) policy, mandating that the first nine years of basic education are free and

compulsory.⁴²⁸⁰ It is too early to determine the impact this policy may have on child labor.

In addition, Rwanda has adopted the Multilateral Cooperation Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.⁴²⁸¹ As part of this agreement, the Government of Rwanda has committed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement. As indicated above, Rwanda has protocols for addressing cross border trafficking in persons, but further information was not identified on the extent to which the Government has implemented these protocols.⁴²⁸²

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The majority of past government interventions to combat the worst forms of child labor were limited to children involved in armed conflict.⁴²⁸³ In 2009, the Rwandan Demobilization and Reintegration Commission (RDRC) continued to support these efforts by operating a rehabilitation center in Muhazi for former child combatants.⁴²⁸⁴ The RDRC also raised public awareness of child soldier issues in an effort to make communities more welcoming to children returning from involvement in armed conflict.⁴²⁸⁵

The Government also continued to operate a rehabilitation center, which offers psychosocial counseling, education, and reintegration services to over 200 street boys. The Government also partnered with private organizations to support 35 childcare institutions across the country that provided shelter, basic needs, and rehabilitation for approximately 2,600 street children.⁴²⁸⁶

During the reporting period, the Government of Rwanda, with partners, initiated a high-profile public campaign to discourage intergenerational sex and sexual procurement. The Government also built over 3,000 classrooms to accommodate additional students.⁴²⁸⁷ It is too early to determine whether the additional classrooms will have an impact on the worst forms of child labor.

The Government also participated in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) project, which withdrew or prevented 32,823 children (7,372 in Rwanda) from exploitive labor in HIV/AIDS-affected areas of these four countries through the provision of educational services.⁴²⁸⁸

In 2009, the Government began participating in the project Rwanda Education Alternatives for Children (REACH), which was funded by USDOL at \$4.5 million from September 2009 to March 2013.⁴²⁸⁹ The project aims to withdraw 4,800 children and prevent 3,500 children from exploitive child labor, particularly in the agricultural sector, by providing educational services, strengthening child labor and education policies, and ensuring the sustainability of these efforts.⁴²⁹⁰

During the reporting period, the Government, in partnership with the RNP, UN Children's Fund, UN Development Fund for Women, and UN Population Fund, established a center to provide gender-based violence victims, including child domestics, with free medical, psychosocial support, and police assistance.⁴²⁹¹ In addition, the MIFOTRA raised public awareness of the worst forms of child labor through radio shows, television announcements, and skits.⁴²⁹² Despite these initiatives, Rwanda's social programs are not sufficient to tackle the scope of the problem.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Rwanda:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Law to cover children working in the informal sector.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve measures to investigate, prosecute, and convict individuals involved in the worst forms of child labor, including by:
 - Increasing resources and the capacity of labor inspectors.
 - Increasing training among enforcement officials on internal child trafficking.
 - Providing training to RNP employees on the rights of trafficking victims, specifically underage girls engaged in prostitution.
 - Making information publicly available on child labor investigations and prosecutions.

IN THE AREA OF POLICIES:

- Finalize, ratify, and implement the National Policy for the Elimination of Child Labor and 5-year Action Plan on child labor.

IN THE AREA OF PROGRAMS:

- Develop additional social protection programs to assist vulnerable and orphaned children and children working on the streets.

⁴²³⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010. Data provided are from 2008. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report. See also World Vision, KURET (Kenya, Uganda, Rwanda, and Ethiopia Together) Final Report: Baseline study and situational analysis of child labor and education in HIV/AIDS affected Communities in Rwanda, Project Document, November, 2005, 12. See also Winrock International, Rwanda Education Alternatives for Children (REACH), Project Document, 2010, 17.

⁴²³¹ Winrock International, Rwanda Education Alternatives for Children (REACH), 17. See also U.S. Embassy- Kigali, reporting, February 16, 2010, 1a. See also U.S. Department

of State, Country Reports on Human Rights Practices- 2009 Rwanda, Washington, DC, March 11, 2010, 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135971.htm>.

⁴²³² U.S. Embassy- Kigali, reporting, February 16, 2010, 1d. See also Timothy Kisambira, Child Labor is a Threat to Rwanda's Vision 2020, [2009 April, 10 [cited June 4, 2010]; available from http://www.eac.int/gender/index.php?option=com_content&view=article&id=57&catid=57. See also Winrock International, Rwanda Education Alternatives for Children (REACH), 4, 17.

⁴²³³ U.S. Department of State, Country Reports- 2009: Rwanda. See also World Vision, KURET, Study of Child Labor in Rwanda.

⁴²³⁴ U.S. Department of State, "Rwanda," in Country Reports on Human Rights Practices- 2009, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135971.htm>. See also Kisambira, Child Labor is a Threat to Rwanda's Vision 2020. See also U.S. Embassy- Kigali, reporting, February 18, 2009.

⁴²³⁵ J. Buyinza, "Rwanda: Child Labor to Be Stamped Out," *New Times* (Kigali), February 3 2008; available from <http://allafrica.com/stories/200802030013.html>. See also U.S. Embassy- Kigali, reporting, February 16, 2010, 2a.1. See also Hilarie Ntawulishira, "Rwanda: School or Work: Do

the Poor Have a Choice?,” *Africa Files/ Syfia Great Lakes*, November 7, 2007; available from <http://www.africafiles.org/article.asp?ID=16388>. See also Karen Tietjen, *Combating Exploitive Child Labor through Education in Kenya, Uganda, Rwanda and Ethiopia Together Project: Rwanda Country Report*, Independent Midterm Evaluation, March, 2007, 5; available from <http://www.dol.gov/ilab/programs/ocft/tcp/KURET-report2.pdf>.

⁴²³⁶ U.S. Department of State, “Country Reports- 2009: Rwanda,” section 7. See also Kisambira, *Child Labor is a Threat to Rwanda’s Vision 2020*.

⁴²³⁷ World Vision, *KURET (Kenya, Uganda, Rwanda, and Ethiopia Together) Final Report: Baseline study and situational analysis of child labor and education in HIV/AIDS affected Communities in Rwanda*, Project Document, November, 2005, 38. See also Dan Ngabonziza, “Rwanda: Memories of Life as a Child Laborer,” *The New Times*, July 6, 2008; available from <http://allafrica.com/stories/printable/200807070852.html>. See also Kisambira, *Child Labor is a Threat to Rwanda’s Vision 2020*.

⁴²³⁸ Kisambira, *Child Labor is a Threat to Rwanda’s Vision 2020*. See also Buyinza, “Rwanda: Child Labor to Be Stamped Out.”

⁴²³⁹ Human Rights Watch, *Swept Away: Street Children Illegally Detained in Kigali, Rwanda*, New York, May 14, 2006, 3; available from <http://www.hrw.org/en/reports/2006/05/14/swept-away>. See also UN General Assembly, *UN General Assembly Protection of the rights of the child*, New York, November 24, 2009; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/566/79/PDF/N0956679.pdf?OpenElement>. See also Government of Rwanda, *A Situation Analysis of Orphans and Other Vulnerable Children in Rwanda*, 2008, 22; available from www.dol.gov/ilab/programs/ocft/20090602/rwanda08.pdf. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, para 2a.1.

⁴²⁴⁰ U.S. Department of State, “Country Reports- 2009: Rwanda,” section 7d. See also U.S. Department of State, “Rwanda (Tier 2)” in *Trafficking in Persons Report- 2010*, Washington, DC, June 2010, 282-283; available from <http://www.state.gov/documents/organization/143188.pdf>. See also U.S. Embassy- Kigali, *reporting, February 18, 2009*, 23a, c.

⁴²⁴¹ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283.

⁴²⁴² U.S. Department of State, “Country Reports- 2009: Rwanda,” section 6.

⁴²⁴³ ILO-IPEC, *Rapid assessment report in trafficking of children into worst forms of child labour, including child soldiers in Uganda*, Status Report, February 2007, v, 28; available from http://www.ilo.org/public/english/region/afpro/daressalaam/download/c_trafficking_uganda.pdf. See

also U.S. Department of State, “Country Reports- 2009: Rwanda,” section 6c. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283.

⁴²⁴⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283.

⁴²⁴⁵ Ibid. See also U.S. Embassy- Kigali, *reporting (TIP)*, February 16, 2010, para 30b.

⁴²⁴⁶ Government of Rwanda, *Law regulating Labour in Rwanda*, Law No. 51/2001 of 30/12/2001 (December 30, 2001), article 4, 6, 72; available from <http://www.rwandainvest.gov.rw/lawlab.htm>.

⁴²⁴⁷ Ibid., article 1, 4, 6, 8, 72, 167.

⁴²⁴⁸ Government of Rwanda, *Ministerial Order determining the list of worst forms of child labour, their nature, categories of institutions that are not allowed to employ them and their prevention mechanisms*, No. 06 (July 13.), article 4-8. See also U.S. Department of State, “Country Reports- 2009: Rwanda,” section 7d.

⁴²⁴⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283. See also Martina Nicolls and Lou Witherite, *Independent Final Evaluation of the Combating Exploitive Child Labor Through Education in Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Project*, October 7, 2009, 30.

⁴²⁵⁰ Government of Rwanda, *Law regulating Labour in Rwanda*, article 168.

⁴²⁵¹ Ibid., article 3. See also ILO Committee of Experts, *CEACR: Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No.182) Rwanda (ratification: 2000)*, [online] 2010 [cited June 9, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

⁴²⁵² Government of Rwanda, *Law Relating to Rights and Protection of the Child Against Violence*, 27/2001, (April 04, 2001), articles 33, 38-42; available from http://www.adh-geneva.ch/RULAC/pdf_state/Law-27-2001-Protection-Child-Against-Violence.pdf.

⁴²⁵³ Government of Rwanda, *Law Relating to Rights and Protection of the Child Against Violence*, 2001, April 04, article 19; available from http://www.adh-geneva.ch/RULAC/pdf_state/Law-27-2001-Protection-Child-Against-Violence.pdf. See also Government of Rwanda, *Law regulating Labour in Rwanda*, article 72.

⁴²⁵⁴ U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2c.2.

⁴²⁵⁵ Ibid., 2c.2

⁴²⁵⁶ Martina Nicolls and Lou Witherite, *Independent Final Evaluation of the Combating Exploitive Child Labor Through Education in Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) Project*, 24-25.

- ⁴²⁵⁷ Government of Rwanda, *Ministerial Order determining the modalities of functioning of the labour inspector*, No. 7, (July 13,), article 2-3. See also Ministry of Public Service and Labour, *Strategies Issues Paper: Structure, Programmes and Budget for the Ministry of Public Service and Labour 2009-2012*, Kigali, June 2008, 5, 10; available from <http://www.mifotra.gov.rw/lang/en/about.pdf>. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, para 2c.1-2, 14.
- ⁴²⁵⁸ Government of Rwanda, *Ministerial Order determining the modalities of functioning of the labour inspector*, article 2. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, para 2c.1-2, 14.
- ⁴²⁵⁹ U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2 C 14.
- ⁴²⁶⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283.
- ⁴²⁶¹ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No.182) Rwanda (ratification: 2000)*, [online] 2010 [cited June 9, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.
- ⁴²⁶² Government of Rwanda, *Ministerial Order determining the modalities of functioning of the labour inspector*, article 7-8.
- ⁴²⁶³ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2c.
- ⁴²⁶⁴ U.S. Embassy- Kigali, *reporting, February 16, 2010*, section 2c.3.
- ⁴²⁶⁵ *Ibid.*, 2e. See also U.S. Embassy- Kigali official, E-mail communication to USDOL official, October 21, 2010.
- ⁴²⁶⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283.
- ⁴²⁶⁷ U.S. Embassy- Kigali, *reporting, February 16, 2010*, section 2d.1, part I and II. See also Government of Rwanda, *Rwanda National Police: Child Protection Unit*, [online] [cited August 26, 2010]; available from http://www.police.gov.rw/spip.php?article26&var_recherche=child. See also Government of Rwanda, *Rwanda National Police: The Criminal Investigation and Scientific Police* [online] [cited August 26, 2010]; available from http://www.police.gov.rw/spip.php?article29&var_recherche=child.
- ⁴²⁶⁸ U.S. Embassy- Kigali, *reporting, February 16, 2010*, section 2c.3. See also Government of Rwanda, *Rwanda National Police: RNP Strategies*, [online] [cited August 26, 2010]; available from http://www.police.gov.rw/spip.php?article31&var_recherche=child.
- ⁴²⁶⁹ U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2d.1.
- ⁴²⁷⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283. See also U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2d.12. See also Government of Rwanda, *Rwanda National Police: RNP Strategies*.
- ⁴²⁷¹ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283.
- ⁴²⁷² U.S. Embassy- Kigali, *reporting, February 16, 2010*, 2d.1.
- ⁴²⁷³ *Ibid.*, 2d.4.
- ⁴²⁷⁴ U.S. Embassy- Kigali, *reporting, February 18, 2009*, 26h.
- ⁴²⁷⁵ U.S. Embassy- Kigali, *reporting, February 16, 2010*, para 2f.
- ⁴²⁷⁶ Government of Rwanda, *National Policy for Orphans and Other Vulnerable Children*, Kigali, 2003, 19-20; available from www.unicef.org/southafrica/SAF_resources_overwanda.doc. See also Government of Rwanda, *A Situation Analysis of Orphans and Other Vulnerable Children in Rwanda*, 5.
- ⁴²⁷⁷ Government of Rwanda, *A Situation Analysis of Orphans and Other Vulnerable Children in Rwanda*, 4, 5, 6.
- ⁴²⁷⁸ *Ibid.*, XX, XIX.
- ⁴²⁷⁹ Government of Rwanda, *National Employment Policy*, MIFOTRA, Kigali, December 2007, 22; available from <http://www.mifotra.gov.rw/documents/Policies/National%20Employment%20Policy.pdf>. See also Government of Rwanda, *Economic Development and Poverty Reduction Strategy, 2008-2012*, September 2007, 61; available from http://planipolis.iiep.unesco.org/upload/Rwanda/Rwanda_EDPRS_2008-2012.pdf.
- ⁴²⁸⁰ Government of Rwanda, *Nine Years Basic Education Implementation, Fast Track Strategies*, Ministry of Education, November 2008; available from http://www.mineduc.gov.rw/IMG/pdf/9_year_B_E.pdf.
- ⁴²⁸¹ Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006.
- ⁴²⁸² ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.
- ⁴²⁸³ ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, Project Document, Geneva, June, 2001. See also ILO-IPEC, *Prevention of Child Recruitment and Reintegration of Children Associated with Armed Forces and Groups: Strategic Framework for Addressing the Economic Gap*, Geneva, 2007; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=6965>.

⁴²⁸⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Rwanda,” 282-283. See also U.S. Embassy-Kigali, *reporting, February 16, 2010*, 2f.1.

⁴²⁸⁵ Integrated Regional Information Networks, “Rwanda: Turning Ex-Child Soldiers into Able Citizens”, IRINnews.org, [online], September 30, 2008 [cited April 27, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=80668>.

⁴²⁸⁶ U.S. Department of State, “Country Reports- 2009: Rwanda.” See also Fred Ndoli, “Rwanda: 300 Ex-Street Children Given Vocational Training”, *allafrica.com*, [online], February 10, 2010 [cited October 21, 2010]; available from <http://allafrica.com/stories/201002100066.html>.

⁴²⁸⁷ Government of Rwanda, *Budget Execution Report - 2009/10*, Ministry of Education.

⁴²⁸⁸ World Vision, *KURET 2009 Compiled Final*, Technical Progress Report, June 30, 2009.

⁴²⁸⁹ U.S. Department of Labor, *ILAB, OCFT Project Status - Africa*, 2010; available from http://www.dol.gov/ilab/projects/sub-saharan_africa/project-africa.htm#.

⁴²⁹⁰ Jennifer Fierberg, *Prevent Child Labor in Rwanda through Education*, [May 10, 2010 [cited June 4, 2010]; available from <http://www.ngonewsafrika.org/2010/05/rwanda-prevent-child-labor-in-rwanda.html>. See also USDOL, *Rwanda Education Alternatives for Children (REACH)*, Technical Cooperation Project Summary, 2009. See also USDOL, “U.S. Department of Labor awards nearly \$59 million to eliminate exploitive child labor in 19 countries,” *PR Newswire* (Washington, DC), 2009; available from <http://www.prnewswire.com/news-releases/us-department-of-labor-awards-nearly-59-million-to-eliminate-exploitive-child-labor-in-19-countries-62402067.html>.

⁴²⁹¹ U.S. Embassy- Kigali, *reporting (TIP), February 16, 2010*, para 26c.

⁴²⁹² U.S. Embassy- Kigali, *reporting, February 16, 2010*.

Samoa

The Government has instituted compulsory education for children under age 15. Children work in agriculture and as street vendors and domestic servants. There is no legal entitlement to free education and there is no evidence of policies or social programs specifically targeted at addressing the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Samoa are exploited in the worst forms of child labor.⁴²⁹³ Children in rural areas work on village farms and plantations.⁴²⁹⁴ Work in agriculture commonly involves harmful activities, such as the use of potentially dangerous machinery and tools, carrying heavy loads, and the application of harmful pesticides.

Children work as street vendors in Apia, Samoa's capital, and in a few other locations, including the international airport.⁴²⁹⁵ Children working on the streets are commonly exposed to a variety of hazards, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children are also employed in domestic service.⁴²⁹⁶ Domestic labor by children may involve long work hours, which often prevent children from attending school, and exposure to physical and sexual exploitation by their employers.

The lack of official data and other information does not allow for an accurate assessment of the full nature and extent of the worst forms of child labor in Samoa.

Laws and Regulations on the Worst Forms of Child Labor





The Labor and Employment Act of 1972 sets the minimum age for employment at 15. The Act permits children under age 15 to engage in "safe and light work suited to the capacity of the child;" and prohibits them from working with dangerous machinery, in any occupation or place where working conditions are likely to harm their physical or moral health, or on any vessel not under the personal charge of a parent or guardian. The Act treats anyone age 15 and over as an adult worker. The Act covers only establishments of fixed location, so that work that may take place at no set location (such as street vending) is effectively not regulated by the Act.⁴²⁹⁷

The Samoan Constitution prohibits forced or compulsory labor, but an exception to this provision is given for work or service required by Samoan custom.⁴²⁹⁸ Research did not identify the specific work activities that would fall under "Samoan custom."

The Crimes Ordinance Act prohibits inducing a female of any age into sexual relations through fraudulent means.⁴²⁹⁹ Soliciting or procuring a female of any age for prostitution, or benefiting from the earnings thereof, is also punishable under the Act.⁴³⁰⁰ Also prohibited is the abduction or detention of any

female child under age 16, with the intent to have sexual relations.⁴³⁰¹ There is no specific criminal provision regarding child pornography; however, child pornography cases can be prosecuted under a provision of the Penal Code that prohibits the distribution or exhibition of indecent matter.⁴³⁰² Provisions of the Crimes and Ordinance Act are insufficient to provide adequate protection to boys against commercial sexual exploitation.

There is no comprehensive law prohibiting trafficking in persons, but kidnapping any person with the intent to transport him/her out of the country, or hold the individual for service, is a crime punishable under the Crimes Ordinance Act. Furthermore, no person under age 16 may give consent to “being sent or taken out” of Samoa.⁴³⁰³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	14
	Free Public Education	No

The new Education Act of 2009 makes education compulsory for children under age 15.⁴³⁰⁴ The parents or legal guardian of a compulsory school-aged child who fails to ensure that the child attends school is subject to a fine.⁴³⁰⁵ The Act further stipulates that if a child under age 15 is not in school and is involved in street vending, the parents or legal guardians may be fined a larger amount.⁴³⁰⁶ However, there is no legal entitlement to free education. Some families may find schooling costs prohibitive or may need to have children pay their own way. In either case, a child may

work and risk exposure to the worst forms of child labor.

As there are no armed forces maintained by the Government of Samoa, there is no minimum age for conscription.⁴³⁰⁷

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Samoa has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Commerce, Industry, and Labor (MCIL) is the primary government agency designated to enforce laws related to hazardous or forced child labor. The Ministry of Women, Community, and Social Development and the Ministry of Education may be called upon to help with investigations.⁴³⁰⁸

Inspectors from the MCIL investigate complaints of violations of the Labor and Employment Act, including complaints of child labor violations and refer them to the Ministry of Police and the office of the Attorney General for enforcement.⁴³⁰⁹ There are 8 inspectors from MCIL assigned to carry out varied inspections, but none focuses specifically on child labor.⁴³¹⁰ No information was identified on the number of enforcement actions or the number of violations found during the reporting period.

Although there is no law prohibiting trafficking in persons, trafficking-related investigations are conducted by the Transnational Crimes Unit of the Ministry of Police.⁴³¹¹

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor in Samoa.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research has not found evidence of any programs by the Government specifically intended to address the worst forms of child labor prevalent in Samoa, nor did the government collect information on exploitive child labor in 2009.⁴³¹²

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Samoa:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labour Act to provide specific protections against hazardous work activities for all children under age 18.
- Amend provisions in the Crime and Ordinance Act prohibiting the commercial sexual exploitation of children to apply to both boys and girls under age 18.
- Ensure appropriate legal protection for children involved in street vending.
- Prohibit all forced labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make accessible data on the number and type of inspections related to the worst forms of child labor.
- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Establish policies to address relevant worst forms of child labor in Samoa.
- Ensure free education to children up to the minimum compulsory school age.

IN THE AREA OF PROGRAMS:

- Conduct studies to better understand the extent and nature of the worst forms of child labor in agriculture, domestic service, and street vending with a view to identifying legal, policy, and program initiatives needed.
- Develop and implement programs to address relevant worst forms of child labor in Samoa, including children working under exploitive conditions in agriculture, street work, and domestic service.

⁴²⁹³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴²⁹⁴ U.S. Embassy- Apia, *reporting*, March 5, 2010. See also U.S. Department of State, “Samoa,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136007.htm>.

⁴²⁹⁵ U.S. Embassy- Apia, *reporting*, March 5, 2010.

⁴²⁹⁶ Ibid.

⁴²⁹⁷ U.S. Department of State, “Samoa,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC,

February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119055.htm>.

⁴²⁹⁸ Government of Samoa, *Constitution of the Independent State of Western Samoa 1960*, (January 1, 1962), article 8(1) and 8(2d); available from http://www.paclii.org/ws/legis/consol_act/cotisows1960535/.

⁴²⁹⁹ Government of Samoa, *Crimes Ordinance 1961*, (December 16, 1961), article 55; available from http://www.paclii.org/ws/legis/consol_act/co1961135/.

⁴³⁰⁰ Ibid., article 58L-M.

⁴³⁰¹ Ibid., article 83B.

⁴³⁰² Ibid., article 43. See also U.S. Department of State, “Country Reports- 2009: Samoa.”

⁴³⁰³ Government of Samoa, *Crimes Ordinance*, article 83A(1).

⁴³⁰⁴ U.S. Embassy- Apia, *reporting*, March 5, 2010. See also Government of Samoa, *Education Act 2009*, (2009); available from http://www.paclii.org/ws/legis/num_act/ea2009104/.

⁴³⁰⁵ Government of Samoa, *Education Act 2009*.

⁴³⁰⁶ U.S. Embassy- Apia, *reporting, March 5, 2010*.

⁴³⁰⁷ Coalition to Stop the Use of Child Soldiers, “Pacific Islands: Cook Islands, Niue, Samoa,” in *Child Soldiers Global Report 2008*, London, 2008, 263; available from www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁴³⁰⁸ U.S. Embassy- Apia, *reporting, March 5, 2010*.

⁴³⁰⁹ U.S. Embassy- Apia official, E-mail communication to USDOL official, February 16, 2009. See also U.S. Embassy- Apia, *reporting*, December 2, 2007.

⁴³¹⁰ U.S. Embassy- Apia, *reporting, March 5, 2010*.

⁴³¹¹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of State Parties due in 1996: Samoa*, February 16, 2006, para 197(c); available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/7a53d58f695d3bf1c125715c0037ae04/\\$FILE/G0640507.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/7a53d58f695d3bf1c125715c0037ae04/$FILE/G0640507.pdf).

⁴³¹² U.S. Embassy- Apia, *reporting, March 5, 2010*.

São Tomé and Príncipe

The Government of São Tomé and Príncipe has established some laws to protect children from the worst forms of child labor. Children in São Tomé and Príncipe continue to work in agriculture. Gaps remain in the country's legal framework and enforcement system, as well as in social programs to protect children from labor exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.4%
Attending School	5-14 yrs.	68.8%
Combining Work and School	7-14 yrs	13.7%



Prevalence and Sectoral Distribution of Worst Forms of Child Labor

Children in São Tomé and Príncipe are involved in the worst forms of child labor.⁴³¹³ Some children work in agriculture.⁴³¹⁴ Children working in agriculture may use dangerous machinery and tools, carry heavy loads, and apply harmful pesticides.

Children in São Tomé and Príncipe are also victims of commercial sexual exploitation.⁴³¹⁵ Children also engage in street vending and domestic service.⁴³¹⁶ Children working in the streets may face severe weather conditions, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Child domestic labor commonly involves long hours of work and may expose children to physical and sexual exploitation by their employers. Although some children attend school and assist their parents with light tasks, many rural students stop attending school after the fourth grade due to the relative high cost of sending their children to far-away schools, which may leave them vulnerable to the worst forms of child labor.⁴³¹⁷ There were no reports that children were trafficked to, from, or within the country during the reporting period.⁴³¹⁸

Laws and Regulations on the Worst Forms of Child Labor

The Law on Individual Labor Contracts sets the minimum age for work in São Tomé and Príncipe at 14, and the minimum age for hazardous work at 18.⁴³¹⁹ However, there is no list of hazardous occupations. The law also establishes limits on working hours for children under age 18. Specifically, it states that children are prohibited from working more than seven hours per day and 35 hours per week.⁴³²⁰ The law prohibits forced or compulsory labor.⁴³²¹

The Criminal Code contains provisions prohibiting trafficking in persons.⁴³²² The Civil Code includes provisions against child prostitution.⁴³²³ However, because these laws define a child as under the age of 16, young people (age 16 to 17) may legally engage in prostitution and the worst forms of child labor.⁴³²⁴

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of São Tomé and Príncipe has established a coordinating mechanism to combat the worst forms of child labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Department of Labor Inspection within the Ministry of Labor, Solidarity and Family Affairs is responsible for enforcing labor laws, including those regarding exploitive child labor. The Department lacks basic equipment, including vehicles and computers, as well as personnel.⁴³²⁵ The Department of Labor Inspection uses teams composed of members from other government agencies, such as the Police and Ministry of Social Work, to carry out the enforcement of all labor laws, including those pertaining to child labor.⁴³²⁶ The Government intermittently employs 14 labor inspectors.⁴³²⁷

Although complaints regarding the worst forms child labor may be lodged with the Department of Labor Inspection or the Police, there were no complaints during the reporting period. Inspections that occurred during the period did not involve child labor.⁴³²⁸ It is unknown whether inspections were conducted in sectors in which children work, such as agriculture.⁴³²⁹

The Criminal Police Investigation Unit, the Department of Labor Inspection, and social workers are responsible for investigating trafficking of children.⁴³³⁰ During the reporting period no complaints were filed regarding such issues. Statistics on investigations, arrests, and convictions for such crimes are unavailable.⁴³³¹

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to combat child labor in Sao Tome and Principe.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has participated in a Multilateral Cooperative Agreement with 23 other African countries to combat trafficking in persons especially women and children.⁴³³² The Government of São Tomé and Príncipe manages three shelters for street children where they receive education and training.⁴³³³ However, research found no evidence of programs targeted to children working in agriculture, domestic service, or to children engaged in commercial sexual exploitation.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Sao Tomé and Príncipe:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the law to:
 - Define a child as any person under age 18.
 - Protect children between the ages of 16 and 17 from engaging in commercial sexual exploitation.
 - Develop a list of hazardous occupations prohibited for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen the enforcement of child labor laws by:
 - Creating permanent positions for labor inspectors in the Ministry of Labor's Department of Labor Inspection.
 - Providing adequate resources to ensure that there is an effective enforcement system.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Establish programs that address the worst forms of child labor observed in Sao Tomé and Príncipe: agriculture, domestic service, and commercial sexual exploitation.

⁴³¹³ The statistics in the chart to the left are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

⁴³¹⁴ U.S. Embassy- Libreville, *reporting*, March 10, 2010.

⁴³¹⁵ UN Committee on the Rights of the Child, *Concluding Observations: São Tomé and Príncipe*, CRC/C/15/Add.235, July 1, 2004; available from <http://tb.ohchr.org/default.aspx?country=st>.

⁴³¹⁶ U.S. Department of State, "Sao Tome and Principe," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135972.htm>. See also U.S. Embassy- Libreville, *reporting*, March 12, 2010, para 2a1.

⁴³¹⁷ U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe." See also U.S. Embassy- Libreville, *reporting*, March 12, 2010. See also U.S. Embassy- Libreville official, E-mail communication to USDOL official, November 18, 2010.

⁴³¹⁸ U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe," section 6. See also U.S. Embassy- Libreville, *reporting*, March 10, 2010.

⁴³¹⁹ Government of São Tomé and Príncipe, *Regime Jurídico das Condições Individuais de Trabalho*, (June 11, 1992), articles 128 and 129; available from http://www.legis-palop.org/index.php?option=com_docman&task=cat_view&gid=62&Itemid=76&limitstart=10.

⁴³²⁰ Ibid., articles 134-136, 147. See also U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe."

⁴³²¹ U.S. Department of State, "Sao Tome and Principe," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119020.htm>. See also Government of São Tomé and Príncipe, *Constituição Política da República Democrática de São Tomé e Príncipe*, (January 25, 2003), article 32; available from <http://www.gov.st/data/filestorage/docs/constistp.pdf>.

⁴³²² U.S. Department of State, "Country Reports- 2009: Sao Tome and Principe," section 6. See also UN Committee on

the Rights of the Child, *Initial Reports of States Parties due in 1993: São Tomé and Príncipe*, prepared by Government of São Tomé and Príncipe, pursuant to Article 44 of the Convention on the Rights of the Child, December 1, 2003, para 35; available from <http://tb.ohchr.org/default.aspx?country=st>.

⁴³²³ UN Committee on the Rights of the Child, *Initial Reports: São Tomé and Príncipe*, para 400. See also U.S. Embassy- Libreville official, E-mail communication to USDOL official, March 31, 2009.

⁴³²⁴ UN Committee on the Rights of the Child, *Initial Reports: São Tomé and Príncipe*, para 35, 401. See also UN Committee on the Rights of the Child, *Concluding Observations: São Tomé and Príncipe*, para 53.

⁴³²⁵ U.S. Embassy- Libreville, *reporting, March 12, 2010*, para 2c1 and 2c4.

⁴³²⁶ *Ibid.*, para 2c1 and 2c5.

⁴³²⁷ *Ibid.*, para 2c5.

⁴³²⁸ *Ibid.*, para 2c3 and 2c6.

⁴³²⁹ U.S. Department of State, “Country Reports- 2009: Sao Tome and Principe,” section 6e.

⁴³³⁰ U.S. Embassy- Libreville, *reporting, March 12, 2010*, para 2d1.

⁴³³¹ *Ibid.*, para 2d1, 2d3-2d12.

⁴³³² ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006.

⁴³³³ National Assembly of São Tomé and Príncipe, *Programa do XIII Governo*, July 2008; available from <http://www.parlamento.st/>. See also U.S. Department of State, “Country Reports- 2009: Sao Tome and Principe,” section 6.

Senegal

The Government of Senegal has and continues to participate in several large scale programs to combat the worst forms of child labor. The Government of Senegal also strengthened its policies concerning the trafficking of children for exploitive labor by adopting the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. Despite this progress, child labor continues in commercial sexual exploitation, and forced begging. Insufficient resources are dedicated to the enforcement of child labor laws, however, and inspections and prosecutions are insignificant compared to the scope of the problem.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	30.0%
Attending School	5-14 yrs.	47.9%
Combining Work and School	7-14 yrs	16.9%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Senegal are involved in the worst forms of child labor, primarily in forced begging.⁴³³⁴ The practice of sending boys to Koranic teachers to receive education, which may include a vocational or apprenticeship component, is a tradition in various countries, including Senegal.⁴³³⁵ These boys, called *talibes*, are forced by their Koranic teachers, called *marabouts*, to beg on the streets for food or money.⁴³³⁶ *Talibes* are forced to surrender what they have earned from begging to their *marabouts*.⁴³³⁷ Some boys are sent to *marabouts* by their parents in order to receive Koranic lessons, others are trafficked into the area by men posing as *marabouts*, who then exploit the children. *Talibes* are often trafficked from rural areas to major cities within Senegal, as well as from The Gambia, Guinea-Bissau, Mali, and Guinea.⁴³³⁸ Many of these children beg in dangerous and unsanitary conditions.⁴³³⁹ Such children have been underfed, physically abused, and are known to work from 6 a.m. until after dark.⁴³⁴⁰ Although evidence is limited,

there is reason to believe that *talibes* in the Casamance region are used to gather cashews and mangos, and to harvest oranges where they are exposed to land mines and long working hours.⁴³⁴¹ In Thies, *talibes* collect garbage from homes, exposing them to loads heavy enough to cause the boys to collapse.⁴³⁴² An Understanding Children's Work study of child beggars in Dakar found that 90 percent were *talibes* and that half of these children were from other countries.⁴³⁴³

Child prostitution occurs in Dakar, in tourist areas including Mbour, Mbour Sally, Cap Skiiring, Kaolack and Sine, and in other urban areas.⁴³⁴⁴ Children are recruited or trafficked into prostitution by pimps and private brothel and hotel owners. Some children are prostituted by their parents.⁴³⁴⁵ In addition, children displaced from the South of Senegal, where a 22-year rebellion has taken place often migrate to Dakar and Ziguinchor for prostitution, providing sexual services to soldiers near the Senegal/Gambia and Senegal/Guinea Bissau borders.⁴³⁴⁶

Children also work as domestic servants.⁴³⁴⁷ Domestic service work may involve long hours of work and

dangerous activities, and often exposes children to physical and sexual exploitation by their employer. Some girls in Senegal begin work as domestic servants as young as age 6.⁴³⁴⁸

The extractive industry is another sector in which the worst forms of child labor occur. Children work in the production of gold and salt.⁴³⁴⁹ They also work in rock quarries, often in dangerous and unhealthy working conditions, where they carry heavy loads and work without protective gear.⁴³⁵⁰ Children in mines sift through dirt using mercury to attract precious metals, exposing them to serious health risks.⁴³⁵¹






Children in Senegal also work in agriculture, stockbreeding, and fishing.⁴³⁵² Children's work in agriculture may involve dangerous activities, such as the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Fishing in Senegal potentially exposes children to explosives, which are commonly used to kill large amounts of fish.⁴³⁵³

Other dangerous work performed by children in Senegal includes livestock herding, hunting, working in the transportation and construction industries, as well as work in automobile repair shops, metal and woodworking shops.⁴³⁵⁴ Children working in transportation are commonly exposed to dangerous traffic as they hold onto the side buses to look for passengers. Children working in construction, automobile, metal, and woodworking shops are commonly exposed to dangerous machinery and tools, and work in dangerous environments. Some children also work slaughtering animals. They also work in dumpsites, gathering recyclables, or selling goods to the recyclers.⁴³⁵⁵

Senegal is a source, transit, and destination country for child trafficking.⁴³⁵⁶ Young girls are trafficked from villages in Fatick, Louga, Kaolack, Kolda, Ziguichor, Thies, Saint Louis, and Djourbel to urban centers for domestic service, and trafficked to many of the same cities for commercial sexual exploitation.⁴³⁵⁷ Girls are also trafficked to neighboring countries, Europe, and the Middle East for sexual exploitation.⁴³⁵⁸ Boys are trafficked to the Gambia and Mauritania for forced begging by religious teachers, and for the blind.⁴³⁵⁹ Girls from Liberia, Ghana, Sierra Leone, and Nigeria have reportedly been trafficked to Senegal for commercial sexual exploitation.⁴³⁶⁰

Laws and Regulations on the Worst Forms of Child Labor

According to the Senegalese Labor Code, the minimum age for employment, including apprenticeships, is 15.⁴³⁶¹ *Arrêté ministériel* n° 3750 and 3751 prohibits children from working in hazardous conditions and identifies circumstances in which children under age 18 cannot work or can only work under certain conditions.⁴³⁶² A gap in these laws allows boys under age 16 to work in underground mines and quarries, if they are partaking in "light work."⁴³⁶³ *Arrêté ministériel* n° 3749 prohibits activities considered to be worst forms of child labor and includes, among others, forced labor, slavery, prostitution, begging for a third party, scavenging garbage, slaughtering animals, work with dangerous products, and work that imperils the health, safety, or morality of children.⁴³⁶⁴ Additionally, the Penal Code includes a comprehensive list of hazardous work prohibited to children under 18.⁴³⁶⁵

	C138, Minimum Age	Yes
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Senegal Laws require students to stay in school until they are age 12.⁴³⁶⁶ However, the minimum age for children to work is 15. This makes children ages 13 to 15 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.

Voluntary recruitment into the military is age 18.⁴³⁶⁷
The Constitution bans forced labor.⁴³⁶⁸

The Penal Code states that the procurement of a person into prostitution, or acting as an intermediary for prostitution is prohibited. If the crime involves a minor younger than age 13, sentences are more severe.⁴³⁶⁹ Law n° 2005-06 prohibits all forms of trafficking and provides stringent penalties.⁴³⁷⁰ The Penal Code forbids begging, unless the begging is done on behalf of a family member, blind person, or for collecting alms per religious tradition.⁴³⁷¹ Given the magnitude of third-party begging by *talibes* in Senegal, these exceptions provide a loophole for *marabouts* to continue exploiting children in the name of religion. These exceptions are also problematic as children are trafficked to Senegal to beg on behalf of the blind.⁴³⁷²

Institutional Mechanisms for Coordination and Enforcement

The Labor of Ministry has been designated as the lead agency for coordinating child labor efforts, through its National Intersectoral Committee, and its Child Labor Unit (CLU).⁴³⁷³ However, the National Intersectoral Committee is not at a decision making level, and has thus far not had direct action in coordinating efforts to prevent the worst forms of child labor.⁴³⁷⁴ Furthermore, there is a second national steering committee in charge of issues relating to the worst forms of child labor. This committee contains almost identical membership as the NIC, except for the Ministry of Labor. The second committee is chaired by the Ministry of Family.⁴³⁷⁵ These two structures allow for an overlap of work and a difficulty in coordinating efforts.⁴³⁷⁶ The CLU, was created to maintain a database for child labor, and assure monitoring and evaluation of child labor activities. However, the CLU has no full time members, no office space, no budget, and CLU tasks are secondary to the employee's primary ministry tasks.⁴³⁷⁷ There are two lead committees to coordinate the Government's anti-trafficking efforts. The Assistance Committee for Child Protection (CAPE), within the Office of the President, composed of the Ministries of Family, Health, Education, Interior, Foreign Affairs, and Justice; and the High Commissary of Human Rights, which monitors trafficking efforts in the Ministries of Family and Women, Interior, Justice, Education, and Tourism.⁴³⁷⁸ The direct responsibilities of these committees are unclear.

The Government of Senegal has also designated institutions for child labor law enforcement. The Ministry of Labor is responsible for enforcing child labor laws, using Social Security Inspectors and the Labor Inspections Office.⁴³⁷⁹ Currently there are 67 inspectors and 80 controllers that are charged with carrying out labor inspections throughout the country. Labor inspectors monitor and enforce minimum age laws, as well as all other labor laws, in state-owned corporations, private enterprises, and cooperatives.⁴³⁸⁰ Labor officers rely on reports of violations from unions due to a lack of transportation and other resources, preventing them from conducting workplace visits.⁴³⁸¹

If an incident of child labor is found during inspections, an inspector will inform the business owner that the child should be removed from work. If the child is not removed within the specified timeframe, the case is then turned over to a local tribunal for adjudication.⁴³⁸² This process allows for gaps in enforcement, as violators of child labor laws are only subject to prosecution if they commit the offense more than once.

The Ministry of Justice is the designated agency to lead anti-trafficking and child begging enforcement efforts in Senegal.⁴³⁸³ Additionally, the Minors Brigade under the Interior Ministry Special Commissariat, as well as local police and gendarmerie work in anti-sex tourism efforts. However, the Minors Brigade is only located in Dakar.⁴³⁸⁴ This can limit effectiveness since the trafficking and commercial sexual exploitation of children is widespread throughout popular tourist areas outside of Dakar.⁴³⁸⁵ The Ministries of Tourism and Interior have special anti-sex tourism units. However, no foreigners were arrested for pedophilia during the reporting period.⁴³⁸⁶

The Criminal Analysis Unit has a special police squad at the country's border regions to combat trafficking; the unit adds trafficking cases into its electronic database. However, few cases have been added to the database.⁴³⁸⁷ Furthermore, a lack of resources, including inadequate equipment, pay, and personnel inhibits the police and gendarmerie's ability to effectively perform their work.⁴³⁸⁸

During the reporting period, a human trafficking network which sent girls from Senegal to Morocco for domestic work was dismantled. However, those traffickers, who were influential members of society,

were released without charges.⁴³⁸⁹ Two religious teachers were arrested for the abuse and forced begging of *talibes*. One was jailed and the other awaits trial.⁴³⁹⁰

Government Policies on the Worst Forms of Child Labor

The Government of Senegal has established elements of a policy framework for the elimination of the worst forms of child labor. Senegal began to develop a child labor policy in 2003 to guide and coordinate national action. However, despite meetings to implement the plan, the plan has not yet been adopted by the Government of Senegal.⁴³⁹¹

Despite the lack of a national child labor policy, the Government of Senegal has integrated child labor issues into several relevant development policies, including its United Nations Development Assistance Framework (2007-2011),⁴³⁹² the Ten-Year Education and Training Program (2000-2015), which aims to provide universal quality primary education to all children by 2015;⁴³⁹³ the Poverty Reduction Strategy Paper (2006-2010), which promotes better conditions for *talibes* and focuses on social protection and risk management for vulnerable groups, including children;⁴³⁹⁴ and its National Social Protection Strategy (2005-2015), which classifies children as a specific vulnerable group and includes provisions for their protection against harmful practices, exploitation, and violence.⁴³⁹⁵

Senegal has finalized a National Action Plan on Trafficking in Persons which implements trafficking prevention and awareness campaigns, and aims to enhance law enforcement and victim protection. However, although the plan was finalized, it is still awaiting approval from the High Commission for Human Rights.⁴³⁹⁶

Senegal was one of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.⁴³⁹⁷ As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government of Senegal agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures

under the Agreement.⁴³⁹⁸

The Government of Senegal strengthened policies concerning the trafficking of children for exploitive labor during the reporting period by adopting the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims of exploitive labor and hazardous child labor. The inclusion of begging as a possible purpose for trafficking within the policy appropriately reflects the regional need to combat this growing problem. The agreement builds on the framework developed under the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.⁴³⁹⁹

While the Government of Senegal has made commitments to eliminate the worst forms of child labor at the regional level, and child labor is included into different national strategy frameworks, actions under policies are not well coordinated due to the lack of an overall child labor policy.⁴⁴⁰⁰

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

From 2003 to 2007, the Government participated in a USDOL-funded, \$2 million project aiming to prevent and withdraw children from the worst forms of child labor, to implement the National Timebound Program, and to implement a Child Labor Plan, which focuses on better management of child labor issues.⁴⁴⁰¹ The program was successful in preventing 2,536 and withdrawing 396 children from the worst forms of child labor.

In 2009, the Government of Senegal raised awareness of the dangers of child labor and exploitive begging through seminars with local officials, NGOs, and civil society. The Government carried out 43 micro-projects to sensitize the Senegalese people on the existence of the 2005 Anti-Trafficking in Persons Law and to train 87 government agents on human trafficking issues.⁴⁴⁰² Additionally, border security forces in problem areas and journalists received anti-trafficking training seminars.⁴⁴⁰³

The Government of Senegal participated in “PARRER,” a project which aims to withdraw 3,000 children from the streets and prevent 6,000 children from entering exploitative child labor in fishing, agriculture, domestic service and begging.⁴⁴⁰⁴

During the year, a UNICEF-funded training on trafficking for police, immigration officials, and gendarmerie was conducted by the Ministry of Justice’s center for judicial training.⁴⁴⁰⁵ The Government also continues to operate its toll-free child protection hotline, which received 9,545 calls during the reporting period.⁴⁴⁰⁶

The Government of Senegal also runs the Ginndi Center, a shelter for destitute children, including trafficking victims. In 2009 the center reunited a total of 593 boys and 27 girls with their families.⁴⁴⁰⁷ The Ginndi Center, in collaboration with IOM, also repatriated or reintegrated 223 child trafficking victims. In addition, the Ministry of Family, Social Development, and Women’s Entrepreneurship trained Koranic teachers, offered school supplies, and continued to conduct awareness raising roundtables and workshops regarding forced child begging, child prostitution and child domestic servitude.⁴⁴⁰⁸

The Government of Senegal participated in a 2-year ILO-IPEC regional project combating trafficking in children for labor exploitation in West Africa, funded by Denmark, at \$2.64 million through December 31, 2009.⁴⁴⁰⁹ The Government participated in a 3-year, French-funded, \$4.83 million regional ILO-IPEC anti-child labor project that ended on December 31, 2009. The Government also participated in the \$3.46 million ILO-IPEC, 9-year Global Campaign to Raise Awareness and Understanding on Child Labor funded by Italy through March 31, 2009.⁴⁴¹⁰

The Government coordinates three programs targeting *talibes*: two pilot projects which provide food and educational services to *talibes*;⁴⁴¹¹ a USD 800,000 Japan-funded project to withdraw and prevent *talibes* from exploitive work;⁴⁴¹² and a Terre des Hommes project assisting *talibes* in Guédiawaye.⁴⁴¹³ Also, in January, 2010, the Government funded an NGO that will provide shelter for *talibes* and mediation between their schools and families.⁴⁴¹⁴

The Government of Senegal assisted 108 street children through their Open Center for Education (AEMO) office branch in Mbour and in partnership with UNICEF, started a pilot project in the departments of Guédiawaye and Ziguinchor focused on the social protection of street children.⁴⁴¹⁵

The Government is also participating in a 4-year, USDOL funded, \$7.95 million ILO-IPEC regional project designed to strengthen ECOWAS’ Child Policy and Strategic Plan of Action and develop programs to safeguard the well-being and assure adequate investment in children. The ECOWAS Child Policy aims to combat the worst forms of child labor, specifically focusing on child trafficking.⁴⁴¹⁶

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Senegal:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend Article 245 of the Labor Code to prohibit all forms of child and forced begging.
- Amend *Arrêté ministériel* n° 3750 to ensure that the minimum age for hazardous work, including admission to work in underground mines, quarries, and other mineral extraction plants is 18 for both girls and boys.
- Raise the compulsory schooling age from 12 to 15 so that it aligns with the minimum age for admission in employment.

IN THE AREA OF MONITORING AND ENFORCEMENT:

- Develop a comprehensive and coordinated system for reporting cases of trafficking.
- Fund, staff, and dedicate resources to the Child Labor Unit to allow for the unit to complete their assigned activities.
- Designate one steering committee responsible for the coordination of issues related to the worst forms of child labor, and give that coordinating body the decision making powers necessary to perform their functions effectively.
- Gather and make publicly available information about the frequency and type of inspections conducted, the prosecution of child labor and trafficking violations, and the implementation of Government policies to combat child labor and trafficking.
- Strengthen enforcement of labor inspections and investigations to reach rural working children, and expand personnel and funding dedicated to the Ministry of Labor to ensure that inspections are conducted in all sectors of the economy.
- Amend the enforcement process to allow for the prosecution of first-time offenders of child labor laws.
- Expand specialized police units such as the Minors Brigade and the police unit dedicated to sex tourism to extend outside of Dakar.

IN AREA OF POLICIES:

- Adopt the existing Child Labor Policy National Action Plan.
- Approve the National Action Plan for Trafficking in Persons.

⁴³³⁴ Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes* no. 11 (August 1999); available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also Delap Emily, *Begging for Change: Research findings and recommendations on forced child begging in Albania/ Greece, India and Senegal*, 2009; available from http://www.antislavery.org/includes/documents/cm_docs/2009/b/beggingforchange09.pdf.

⁴³³⁵ Easton, "Education and Koranic Literacy in West Africa," 1, 3. See also International Trade Union confederation, *Internationally Recognized Core Labour Standards in Niger and Senegal: Report for the WTO General Council Review of the Trade Policies of Niger and Senegal*, Geneva, November 11, 2009, 11; available from

http://www.ituc-csi.org/IMG/pdf/WTO_report_Niger_Senegal_en_200911101.pdf.

⁴³³⁶ Delap Emily, *Begging for Change*. See also IOM, "Traditional Practices being Abused to Exploit Children in West Africa, warns IOM", IOM, [online], November 22, 2006 [cited December 2, 2010]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>.

⁴³³⁷ Delap Emily, *Begging for Change*, 7, 10, 11, 12. See also IOM, "Traditional Practices being Abused to Exploit Children in West Africa, warns IOM".

⁴³³⁸ U.S. Embassy- Dakar, *reporting*, March 8, 2010, para 25b. See also Integrated Regional Information Networks, "Guinea-Bissau - Senegal: Child trafficking on the decline say local authorities", IRINnews.org, [online], October 15,

2008 [cited December 2, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportId=80928>. See also Delap Emily, *Begging for Change*, 9.

⁴³³⁹ U.S. Embassy- Dakar, *reporting*, March 10, 2010.

⁴³⁴⁰ IOM, “Traditional Practices being Abused to Exploit Children in West Africa, warns IOM”. See also Delap Emily, *Begging for Change*, 10, 12. See also USAID, *Study on the Practice of Trafficking in Persons in Senegal*, USAID, 2004, 28; available from http://www.childtrafficking.com/Docs/moens_2004_study_practice_trafficking_senegal_4.pdf.

⁴³⁴¹ U.S. Embassy- Dakar, *reporting*, March 10, 2010, para 2a. See also U.S. Embassy- Dakar, *reporting*, February 23, 2009.

⁴³⁴² U.S. Embassy- Dakar, *reporting*, March 10, 2010.

⁴³⁴³ UCW, *Enfants mendiants dans la région de Dakar*, UCW Survey Report, December 2007, 2 available from http://www.ucw-project.org/pdf/publications/enfants_mendiants_Dakar_rapport_16janvier2008.pdf.

⁴³⁴⁴ USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 21-23.

⁴³⁴⁵ *Ibid.*, 22-23.

⁴³⁴⁶ *Ibid.*, 22.

⁴³⁴⁷ *Ibid.*

⁴³⁴⁸ *Ibid.*, 26.

⁴³⁴⁹ ILO, “In their own words...Senegal: Famara regrets leaving school to mine gold”, ILO.org, [online], June 2006 [cited January 23, 2009]; available from <http://www.ilo.org/ipceinfo/product/viewProduct.do?productId=4175>. See also ILO, “In their own words...How Awa dreads salt season”, ILO.org, [online], June 2006 [cited January 23, 2009]; available from <http://www.ilo.org/ipceinfo/product/viewProduct.do?productId=4170>. See also ILO, *Child labour in salt mining: The problem*, June 2006; available from <http://www.ilo.org/ipceinfo/product/download.do?jsessionid=0a038009ce955b2d1476aae475d8e07d5a095d4550f>. See also U.S. Embassy- Dakar, *reporting*, March 10, 2010, para 1a, 1d. See also U.S. Embassy- Dakar, *reporting*, February 23, 2009.

⁴³⁵⁰ The Global Fund for Children, *The Global Fund for Children: Annual Report 2005-2006*, Washington, DC, 2006, 53; available from http://www.globalfundforchildren.org/pdfs/GFC_AnnualReport_2005-06.pdf. See also ILO, “In their own words...Senegal: Crushing stones from age 7”, ILO.org, [online], June 2006 [cited January 23, 2009]; available from <http://www.ilo.org/ipceinfo/product/viewProduct.do?productId=4171>. See also U.S. Department of State, “Senegal,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135973.htm>. See also U.S. Embassy- Dakar, *reporting*, February 23, 2009, para 3.

⁴³⁵¹ Rukimini Callimachi and Bradley Klapper, “International Herald Tribune: Thousands of children work in African gold mines”, A, [online], August 11, 2008 [cited December 2, 2010]; available from <http://www.ihl.com/bin/printfriendly.php?id=15181447>. See also ILO-IPEC, *Eliminating Child Labor in Mining and Quarrying*, Background Document, Geneva, June 12, 2005, 4. See also U.S. Embassy- Dakar, *reporting*, February 23, 2009, para 4.

⁴³⁵² U.S. Embassy- Dakar, *reporting*, March 10, 2010, 2a. See also Government of Senegal, *Enquete Nationale sur le Travail des Enfants - ENTES - 2005: Rapport National d'analyses*, August, 2007.

⁴³⁵³ U.S. Embassy- Dakar, *reporting*, February 23, 2009, para 6.

⁴³⁵⁴ *Ibid.*, para 3. See also CONAFE, *Rapport complémentaire élaboré par la CONAFE-SENEGAL au Comité des Nations Unies pour les Droits de l'Enfant*, Dakar, February 2006, 19-21. See also Kristoffel Lieten Godefroid Nimbona, *Child Labour Unions: AEJT Senegal*, 2007, 23, 38. See also U.S. Embassy- Dakar, *reporting*, March 8, 2010, para 27c. See also Government of Senegal, *Rapport National d'analyses*, 75-76.

⁴³⁵⁵ ILO-IPEC, *Support to the Timebound Programme Elimination of the Worst Forms of Child Labour*, Project Document, Geneva, September 12, 2003, v-vi and 24. See also Hamadou Tidiane SY, “Dakar’s Mbeubeuss Landfill: More Than Meets the Eye”, idrc.ca, [online], June 2008 [cited February 25, 2010]; available from http://www.idrc.ca/en/ev-126835-201-1-DO_TOPIC.html.

⁴³⁵⁶ U.S. Embassy- Dakar, *reporting*, March 8, 2010, para 25b.

⁴³⁵⁷ *Ibid.* See also USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 22-24.

⁴³⁵⁸ U.S. Department of State, “Senegal,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.

⁴³⁵⁹ *Ibid.* See also U.S. Department of State, “Mauritania (Tier 3),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 34.

⁴³⁶⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Senegal.”

⁴³⁶¹ Government of Senegal, *Code du travail 1997*, Loi No. 97-17, (December 1, 1997), article L. 145; available from www.droit-afrique.com/images/textes/Senegal/Senegal%20-%20Code%20du%20travail.pdf

⁴³⁶² Government of Senegal, *Arrêté ministériel n° 3751 MFPTEOP-DTSS en date du 6 juin 2003, fixant les catégories d'entreprises et travaux interdits aux enfants et jeunes gens ainsi que l'âge limite auquel s'applique*

l'interdiction, (June 6, 2003), article 1-2; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/64612/64952/F364251671/SEN64612.pdf>. See also Government of Senegal, *Arrêté ministériel n° 3750 MFPTEOP-DTSS en date du 6 juin 2003, fixant la nature des travaux dangereux interdits aux enfants et jeunes gens*, (June 6, 2003), article 7, 10, 12; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/64611/64953/F1229124862/SEN64611.pdf>.

⁴³⁶³ ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Senegal (ratification: 1999)*, [online] 2009 [cited February 24, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=621&chapter=3&query=Senegal%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0>. See also Government of Senegal, *Arrêté ministériel n° 3750 MFPTEOP-DTSS*, article 7. See also International Trade Union confederation, *Internationally Recognized Core Labour Standards in Niger and Senegal*, 10.

⁴³⁶⁴ Government of Senegal, *Arrêté ministériel n° 3749 MFPTEOP-DTSS en date du 6 juin 2003, fixant et interdisant les pires formes du travail des enfants*, (June 6, 2003), article 2; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/64610/64951/F2020269921/SEN64610.pdf>. See also Government of Senegal, *Code penal 1965*, Loi No. 65-60, (July 21, 1965), articles 320, 323, 324; available from <http://www.justice.gouv.sn/droitp/CODE%20PENAL.PDF>. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Senegal (ratification: 2000)*, [online] 2009 [cited February 24, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1460&chapter=16&query=C182%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0>.

⁴³⁶⁵ Government of Senegal, *Code penal 1965*, 3750, 3751.

⁴³⁶⁶ UNESCO, *Education for All Global Monitoring Report*, 2009, 298; available from <http://www.unesco.org/en/efareport/>.

⁴³⁶⁷ Coalition to Stop the Use of Child Soldiers, “Senegal,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also Office of the UN High Commissioner for Human Rights, *Senegal CRC Optional Protocol (Armed Conflict): Reservations and Declarations*, [online] [cited February 24, 2010]; available from http://www.bayefsky.com/.html/senegal_t2_crc_opt1.php.

⁴³⁶⁸ U.S. Embassy- Dakar, *reporting, March 8, 2010*.

⁴³⁶⁹ Government of Senegal, *Code penal 1965*, article 320.

⁴³⁷⁰ Government of Senegal, *Loi n° 2005-06 du 10 mai 2005 relatif a la lutte contre la traite des personnes et pratiques assimilées et a la protection des victimes*, 2006-06, (May

10, 2005); available from http://www.jo.gouv.sn/imprimer.php3?id_article=3640.

⁴³⁷¹ USAID, *Study on the Practice of Trafficking in Persons in Senegal*, 34. See also Government of Senegal, *Code penal 1965*.

⁴³⁷² USAID, *Study on the Practice of Trafficking in Persons in Senegal*.

⁴³⁷³ U.S. Embassy- Dakar, *reporting, March 10, 2010*, para 2b, 2c. See also ILO-IPEC, *Project of Support for the Implementation of the Timebound Programme in Senegal*, IPEC Evaluation, Geneva, December 2007.

⁴³⁷⁴ ILO-IPEC, *Senegal IPEC Evaluation - December 2007*, 10-13.

⁴³⁷⁵ *Ibid.*, 13.

⁴³⁷⁶ *Ibid.*

⁴³⁷⁷ *Ibid.*, 12-13.

⁴³⁷⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Senegal.” See also U.S. Embassy- Dakar, *reporting*, February 19, 2009, 27E.

⁴³⁷⁹ U.S. Embassy- Dakar, *reporting, March 10, 2010*, para 2b, 2c.

⁴³⁸⁰ U.S. Embassy- Dakar, *reporting, February 23, 2009*, para 9. See also U.S. Embassy- Dakar, *reporting, March 8, 2010*, para 27c. See also U.S. Embassy- Dakar, *reporting, March 10, 2010*, para 2c.

⁴³⁸¹ U.S. Embassy- Dakar, *reporting, March 10, 2010*.

⁴³⁸² *Ibid.*, 2C.

⁴³⁸³ U.S. Embassy- Dakar, *reporting, March 8, 2010*, 26D.

⁴³⁸⁴ U.S. Embassy- Dakar, *reporting, February 19, 2009*, para 24b. See also U.S. Embassy- Dakar, *reporting, March 8, 2010*, para 26b. See also U.S. Embassy- Dakar, *reporting, March 10, 2010*, para 2d.

⁴³⁸⁵ USAID, *Study on the Practice of Trafficking in Persons in Senegal*.

⁴³⁸⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Senegal.”

⁴³⁸⁷ U.S. Embassy- Dakar, *reporting, February 19, 2009*.

⁴³⁸⁸ *Ibid.*, 24C.

⁴³⁸⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Senegal.”

⁴³⁹⁰ *Ibid.*

⁴³⁹¹ Afrique en Ligne, “Sénégal: Vers un plan cadre pour l’élimination du travail des enfants “ *Afrique en Ligne*, May 6, 2010; available from <http://www.afriquejet.com/afrique-de-l%27ouest/senegal/senegal:-vers-un-plan-cadre-pour-l%27elimination-du-travail-des-enfants-2010050648899.html>. See also ILO-IPEC, *Senegal IPEC Evaluation - December 2007*, 8.

⁴³⁹² United Nations, *Senegal: Plan-Cadre des Nations Unies*

pour l'Assistance au Développement (UNDAF) (2007-2011), 2007, 43, 49; available from http://www.undg.org/docs/6949/UNDAF_SEN_2007_2011.pdf.

⁴³⁹³ Niane Boubacar and Robert Francois, *Country profile prepared for the Education for All Global Monitoring Report 2007 Strong Foundations: Early Childhood Care and Education*, UNESCO, 2007, 1; available from <http://unesdoc.unesco.org/images/0015/001555/155571e.pdf>. See also Souleymane Faye, "Senegal: Scrambling to Keep Up With Education For All", *ipsnews.net*, [online], October 2, 2009 [cited February 05, 2010]; available from <http://ipsnews.net/news.asp?idnews=48701>.

⁴³⁹⁴ Government of Senegal, *Etude sur la pauvreté et les disparités chez les enfants au Sénégal: Rapport Final*, UNICEF, May, 2009, 56; available from http://www.unicef.org/wcaro/wcaro_Senegal_Child_Poverty_FR.pdf. See also Paola Pereznieta, *Social protection to tackle child poverty in Senegal*, Overseas Development Institute, September 2009, 1-3; available from <http://www.odi.org.uk/resources/download/3793-odi-project-briefing-english.pdf>. See also Government of Senegal, *Poverty Reduction Strategy Paper*, September, 2006; available from [http://siteresources.worldbank.org/INTPRS1/Resources/Senegal-PRSP\(Sept2007\).pdf](http://siteresources.worldbank.org/INTPRS1/Resources/Senegal-PRSP(Sept2007).pdf).

⁴³⁹⁵ Government of Senegal, *Rapport Final*, 66. See also Pereznieta, *Social protection to tackle child poverty in Senegal*, 2.

⁴³⁹⁶ U.S. Embassy- Dakar, *reporting, February 19, 2009*, 27D.

⁴³⁹⁷ ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006; available from http://www.ceeac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc.

⁴³⁹⁸ *Ibid.*, 5-13.

⁴³⁹⁹ ECOWAS Commission, *Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa*, prepared by ECOWAS, 2009.

⁴⁴⁰⁰ UCW, *Enfants mendiants dans la région de Dakar*.

⁴⁴⁰¹ U.S. Embassy- Dakar official, E-mail communication to USDOL official, March 30, 2009. See also U.S. Embassy- Dakar, *reporting, February 19, 2009*, para 24b. See also ILO-IPEC, *Support to the Timebound Programme Elimination of the Worst Forms of Child Labour: Projet d'amélioration des conditions d'apprentissage dans le secteur informel et lutte contre la pauvreté, Bonnes Pratiques*, Annex to Technical Progress Report, Geneva, September 2006. See also ILO-IPEC, *Senegal IPEC Evaluation - December 2007*.

⁴⁴⁰² U.S. Embassy- Dakar, *reporting, March 8, 2010*, para 26b. See also U.S. Embassy- Dakar, *reporting, March 10, 2010*, para 2f.

⁴⁴⁰³ U.S. Embassy- Dakar, *reporting, February 19, 2009*, 24B.

⁴⁴⁰⁴ U.S. Embassy- Dakar, *reporting, March 8, 2010*, para 27c.

⁴⁴⁰⁵ U.S. Department of State, "Senegal," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009, 253; available from <http://www.state.gov/documents/organization/123357.pdf>.

⁴⁴⁰⁶ U.S. Department of State, "Trafficking in Persons Report- 2010: Senegal," 288.

⁴⁴⁰⁷ U.S. Embassy- Dakar, *reporting, March 10, 2010*, para 2d.

⁴⁴⁰⁸ U.S. Department of State, "Trafficking in Persons Report- 2009: Senegal," 253. See also U.S. Embassy- Dakar, *reporting, March 8, 2010*, para 26b, 27g.

⁴⁴⁰⁹ ILO-IPEC, *La Formation Professionnelle et l'Apprentissage: Une Alternative au Travail Precocce et aux Pires Formes de Travail des Enfants en Afrique Francophone*, January 2009; available from <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=9330>. See also ILO-IPEC official, E-mail communication to USDOL official, December 12, 2007.

⁴⁴¹⁰ ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008.

⁴⁴¹¹ Government of Senegal, *Rapport Final*, 56.

⁴⁴¹² Integrated Regional Information Networks, "Retrait et réinsertion des enfants de la rue: Le Parrer dévoile son plan d'action", *IRINnews.org*, [online], October 15, 2009 [cited February 5, 2010]; available from <http://fr.allafrica.com/stories/200910150718.html>. See also Rewmi.com, "Amelioration de la situation des enfants de la rue: Le Parrer beneficie de 800 millions du Japon", *rewmi.com*, [online], June 6, 2008 [cited December 2, 2010]; available from http://www.rewmi.com/Amelioration-de-la-situation-des-enfants-de-la-rue-Le-Parrer-beneficie-de-800-millions-du-Japon_a10608.html.

⁴⁴¹³ Terre des hommes, *INFOSENEGAL*, [online] [cited February 24, 2010]; available from [http://www.tdh.ch/website/doc_dnld.nsf/bf25ab0f47ba5dd785256499006b15a4/df1baf758180c16ac125714c004e1f1c/\\$FILE/tdh_info_senegal_2009_fr.pdf](http://www.tdh.ch/website/doc_dnld.nsf/bf25ab0f47ba5dd785256499006b15a4/df1baf758180c16ac125714c004e1f1c/$FILE/tdh_info_senegal_2009_fr.pdf).

⁴⁴¹⁴ U.S. Department of State, "Trafficking in Persons Report- 2010: Senegal," 289.

⁴⁴¹⁵ U.S. Embassy- Dakar, *reporting, March 10, 2010*, para 2d, 2f.

⁴⁴¹⁶ USDOL-ILAB, *Technical Cooperation Project Summary*, Washington, DC, September 30, 2009.

Serbia

The Government of Serbia has a legal and policy infrastructure to combat trafficking. However, the use of street children—notably ethnic Roma—in forced and organized begging remains a serious problem. The worst forms of child labor are particularly prevalent in the informal sector, and the Government of Serbia needs to increase its efforts in monitoring and evaluating the impact that its policies and programs have on children in the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	6.0%
Attending School	5-14 yrs.	92.5%
Combining Work and School	7-14 yrs	6.7%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Serbia are exploited in the worst forms of child labor,⁴⁴¹⁷ many of them in begging. Roma children, poor children, and children living in foster homes are the most vulnerable to the worst forms of child labor.⁴⁴¹⁸

Roma children begging and selling narcotics are among children working in the streets. Street children often sell small goods and wash car windows.⁴⁴¹⁹ Children working on the streets are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children engage in prostitution. Serbia is also a destination, transit, and source country for the trafficking of children for the purposes of sexual and labor exploitation. Many children are trafficked from Eastern Europe and Central Asia to Western European countries.⁴⁴²⁰

To a lesser extent, children work on farms.⁴⁴²¹ Children's work in agriculture commonly involves the use of potentially dangerous machinery and tools,

carrying of heavy loads, and the application of harmful pesticides.

Laws and Regulations on the Worst Forms of Child Labor

The Constitution prohibits work for children under 15. There is also a provision that prohibits hazardous work for children under 18;⁴⁴²² however, the provision does not provide a specific list of hazardous activities or occupations.



The Constitution bans slavery or positions similar to slavery, including express prohibitions on human trafficking and forced labor.⁴⁴²³ The Criminal Code of Serbia further prohibits child prostitution, trafficking and enslavement of children.⁴⁴²⁴ The Law on the Protection Program for Participants in Criminal Proceedings of 2006 regulates the protection and assistance to victims of human trafficking, including children.⁴⁴²⁵

During the reporting period, the Criminal Code was amended to provide for tougher sentences for traffickers.⁴⁴²⁶ It has been reported that Serbia also amended legislation to include punishment for producing, showing, obtaining, and possession

of pornographic materials involving minors. This includes any use of computer networks for sex crimes against minors.⁴⁴²⁷

The Law on Foreigners was amended to allow victims of human trafficking to obtain temporary visas.⁴⁴²⁸

The Criminal Code does not specifically prohibit the use, procuring or offering of a child for the production and trafficking of drugs and other illicit activities.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although the Government of Serbia has established the Agency for Coordination and Protection of Trafficking Victims, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.⁴⁴²⁹

The Labor Inspectorate within the Ministry of Labor and Social Policy is responsible for the enforcement of child labor and other labor laws. It employs 300 labor inspectors to enforce all labor issues, including child labor.⁴⁴³⁰

Data on inspections conducted could not be obtained. However, in 2009 the Inspectorate recorded 10 child

labor law violations, some of which were reported in the construction industry.⁴⁴³¹ Other sources report cases of children working night shifts, which is generally prohibited by law. In one instance, an underage worker between 15 and 18 years of age was injured and later died.⁴⁴³² Charges were pressed in all known instances of labor law violations,⁴⁴³³ but it is not known whether penalties were assessed.

The Ministry of Internal Affairs leads in the enforcement of anti-trafficking laws. Every local police station has an anti-trafficking unit.⁴⁴³⁴ Furthermore, both state and border police have full-time units.⁴⁴³⁵ Additionally, the Service for Fighting Organized Crime (SBPOK) has an Anti-Trafficking Department and works with INTERPOL to share information regarding instances of child trafficking.⁴⁴³⁶ Training is provided to a variety of government officials on how to recognize, investigate, and prosecute trafficking, and how to provide victims assistance.⁴⁴³⁷

For 2009, the Government of Serbia reported more than 50 investigations into trafficking offenses. These efforts resulted in the conviction of 40 out of 42 alleged offenders.⁴⁴³⁸ There were 127 recorded trafficking victims, of which 59 were minors.⁴⁴³⁹ Of the total 127 victims, 112 are known to have been referred to service providers by the Agency for the Coordination and Protection of Trafficking Victims.⁴⁴⁴⁰

Government Policies on the Worst Forms of Child Labor

A National Plan of Action for Children (NPA) was adopted in 2004. It seeks poverty reduction, quality education, and better health for all children, and protection of children from abuse, exploitation, and violence.⁴⁴⁴¹ The NPA has not been allocated resources by the Central Government. Some communities have used it as a framework to create mechanisms to protect children, and funding has been provided in some municipal budgets.⁴⁴⁴²

The Government of Serbia has been implementing a poverty reduction strategy with the ambitious goal of reducing half of the poverty in Serbia by the end of 2010 through targeting the poorest and most vulnerable social groups for financial assistance and protection.⁴⁴⁴³

The Government has also implemented policies that focus on social protection for Roma children, including the 2005-2015 Roma Decade Framework, which focuses on social protection for Roma children.⁴⁴⁴⁴

The Youth Employment Policy and Action Plan for 2009-2011, a result of the 2007-2011 Youth Employment Partnership (YEP) project, seeks to help youth obtain productive employment.⁴⁴⁴⁵

The question of whether the above policies have an impact on the worst forms of child labor does not appear to have been addressed.

In April 2009, the Government of Serbia adopted a National Action Plan to Combat Trafficking for 2009-2011. The Government is also implementing a Strategy for Fighting Human Trafficking from 2006 that seeks specifically to protect victims of child trafficking.⁴⁴⁴⁶

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Child Allowance Program provides cash benefits to poor families conditional on school enrollment for children age 7 and older.⁴⁴⁴⁷

Through the 2007-2011 Youth Employment Partnerships (YEP) project, the Government of Serbia finances the National Employment Service (NES), which implements, monitors, and evaluates active labor

market programs targeting unemployed youth who are registered with offices in Subotica, Bor, Kraljevo, Novi Pazar, and Pozarevac.⁴⁴⁴⁸

The Ministry of Education project, “Assistance to Roma Children in Education,” seeks to encourage regular attendance of Roma children at school by focusing on and developing language and learning skills.⁴⁴⁴⁹

The question of whether any of the programs have an impact on the worst forms of child labor does not appear to have been addressed.

All social service centers in the country are required to provide 24-hour access for child victims of trafficking.⁴⁴⁵⁰ In addition, the Government provides free access to social and medical care for foreign and domestic trafficking victims and provides them with witness/victim protection services.⁴⁴⁵¹

In 2008, the Government sold postage stamps to raise funds for a rehabilitation center for victims of human trafficking. The Agency for the Coordination of the Protection of Trafficking Victims has continued to use monies earned from the sale of these stamps to finance its own activities and NGOs that provide services to human trafficking victims.⁴⁴⁵² There are hotlines devoted to human trafficking; one run by the Ministry of Internal Affairs, the other by the NGO Astra.⁴⁴⁵³

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Serbia:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the legal framework specifying the types of hazardous work prohibited for children under the age of 18.
- Amend the Criminal Code to specifically prohibit the use, procuring, or offering of a child for the production and trafficking of drugs and other illicit activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.

IN THE AREA OF POLICIES:

- Assess the impact that existing policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on addressing the worst forms of child labor.

⁴⁴¹⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining working and schooling are from 2005. Data on school attendance are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁴¹⁸ U.S. Embassy- Belgrade, *reporting*, February **XX**, 2010.

⁴⁴¹⁹ ILO Committee of Experts, *Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Serbia (ratification: 2003)*, [online] 2008 [cited March 1, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21906&chapter=9&query=%28C182%29+%40ref+%2B+%28Serbia%29+%40ref&highlight=&querytype=bool&context=0>. See also U.S. Embassy- Belgrade, *reporting*, February **XX**, 2010.

⁴⁴²⁰ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴²¹ Ibid. See also U.S. Embassy- Belgrade, *reporting*, February 22, 2010.

⁴⁴²² Government of Serbia, *Constitution of the Republic of Serbia*, (September 30, 2006); available from [http://www.venice.coe.int/docs/2006/CDL\(2006\)089-e.asp](http://www.venice.coe.int/docs/2006/CDL(2006)089-e.asp).

⁴⁴²³ Ibid.

⁴⁴²⁴ Government of Serbia, *Criminal Code*, (February 28, 2006); available from http://www.osce.org/documents/html/pdf/tohtml/18196_en.pdf.html.

⁴⁴²⁵ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴²⁶ U.S. Embassy- Belgrade, *reporting*, February, 2010.

⁴⁴²⁷ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴²⁸ U.S. Embassy- Belgrade, *reporting*, February **XX**, 2010.

⁴⁴²⁹ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴³⁰ U.S. Embassy- Belgrade, *reporting*, February **XX**, 2010.

⁴⁴³¹ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴³² Ibid.].

⁴⁴³³ Ibid.].

⁴⁴³⁴ U.S. Embassy- Belgrade, *reporting*, February 22, 2010.

⁴⁴³⁵ Ibid.

⁴⁴³⁶ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴³⁷ U.S. Embassy- Belgrade, *reporting*, February 22, 2010.

⁴⁴³⁸ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴³⁹ Ibid.]. See also U.S. Embassy- Belgrade, *reporting*, February **XX**, 2010.

⁴⁴⁴⁰ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

⁴⁴⁴¹ Ibid.].

⁴⁴⁴² Ibid.].

⁴⁴⁴³ Ibid.].

⁴⁴⁴⁴ Ibid.].

⁴⁴⁴⁵ Ibid.].

⁴⁴⁴⁶ Ibid.].

⁴⁴⁴⁷ Ibid.].

⁴⁴⁴⁸ Ibid.].

⁴⁴⁴⁹ Ibid.].

⁴⁴⁵⁰ Ibid.].

⁴⁴⁵¹ U.S. Embassy- Belgrade, *reporting*, February 22, 2010.

⁴⁴⁵² U.S. Department of State, "Serbia (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/143188.pdf>.

⁴⁴⁵³ ILO Committee of Experts, *Direct Request C182: Serbia (2008)*.

Seychelles

There is no evidence of the worst forms of child labor in the country. Notwithstanding the absence of a demonstrated problem, the National Statistics Bureau began training officers in 2009 to help establish official statistics and documentation on human trafficking. Legal provisions protect girls better than boys, and children working in international trade zones less than in other areas.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor




There is no evidence of the worst forms of child labor in the country.⁴⁴⁵⁴ Notwithstanding the absence of a demonstrated problem, the National Statistics Bureau began training officers in 2009 to help establish official statistics and documentation on human trafficking.⁴⁴⁵⁵

Laws and Regulations on the Worst Forms of Child Labor

The Constitution of the Republic of Seychelles sets the minimum age for work at 15 and provides for a higher minimum age for employment deemed dangerous, unhealthy, or otherwise harmful to normal childhood development.⁴⁴⁵⁶ The Conditions of Employment Regulations, 1991 specify that children under age 18 are prohibited from engaging in certain types of employment and night work, though children ages 15 to 17 may do so with the approval of a Competent Officer.⁴⁴⁵⁷ The Government has not developed a comprehensive list of hazardous work prohibited to children under age 18.⁴⁴⁵⁸

The International Trade Zone (Conditions of Employment) Order 17 governs employment conditions in international trade zones. It too prohibits

the employment of children younger than age 15.⁴⁴⁵⁹ It does not contain any provision prohibiting children from engaging in hazardous work.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

The *Constitution* provides for freedom from slavery, servitude, and forced or obligatory labor.⁴⁴⁶⁰ The Penal

Code Act criminalizes the prostitution and sexual exploitation of children.⁴⁴⁶¹ Specific provisions prohibit the trafficking of girls, domestically or internationally, for the purposes of prostitution and make it illegal to procure or detain any girl against her will, with the intent to engage in sexual conduct or for the purposes of prostitution. These provisions do not cover boys.⁴⁴⁶² Other provisions prohibit anyone from benefiting from the procurement or exploitation of any person for the purposes of prostitution and make it illegal to recruit or exploit persons under age 21 for the same purposes.⁴⁴⁶³ The Penal Code also prohibits the production or possession of indecent material of a child, or exhibition of indecent material to a child.⁴⁴⁶⁴

Institutional Mechanisms for Coordination and Enforcement

As there is no evidence of a problem, there appears to be no need for a coordinating mechanism to address the worst forms of child labor. The National Council for Children, a government-funded NGO, advocates for children's interests and rights through awareness-raising activities and by providing training and counseling.⁴⁴⁶⁵

The Ministry of Employment and Human Resource Development is the primary agency responsible for investigating and enforcing child labor laws. During the reporting period, the Ministry reported no cases of child labor that required investigation, nor were any children found working in key sectors.⁴⁴⁶⁶

Government Policies on the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for policies to address the worst forms of child labor. It is noted, however, that the Government has or is developing other social policies that may help prevent this phenomenon. The Government is implementing a National Plan of Action on Social Development for Seychelles 2005-2015, which strives, in part, to prevent the exploitation of children by providing education on children's rights and improving the quality of child protection services.⁴⁴⁶⁷ During the reporting period, the Seychellois National Assembly approved the establishment of a Social Welfare Task Force, which will consider policies to address social issues.⁴⁴⁶⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

As there is no evidence of a problem, there appears to be no need for programs to address the worst forms of child labor. The Government has implemented some programs to protect children from exploitation and provide them with social services. The Government works to fund child welfare initiatives including the Children's Homes Foundation, which provides housing for orphans and children from families facing financial difficulties, and the Children's Fund, which targets children most in need.⁴⁴⁶⁹ The Government also provides subsidized bus fares for needy students.⁴⁴⁷⁰

Based on the reporting above, the following actions would advance the prevention of the worst forms of child labor in Seychelles:

IN THE AREA OF LAWS AND REGULATIONS

- Develop a comprehensive list of hazardous employment prohibited to all children under age 18.
- Amend International Trade Zone (Conditions of Employment) Order 17 to ensure that child labor laws are consistent with other national laws on the employment of children.
- Amend the *Penal Code* to prohibit the trafficking of boys, and the procuring or detainment of boys, for the purposes of prostitution.

IN THE AREA OF POLICY:

- Consider expanding the work of the National Statistics Bureau to collect data on all worst forms of child labor.

⁴⁴⁵⁴ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁴⁵⁵ U.S. Embassy- Port Louis, *reporting*, February 18, 2010.

⁴⁴⁵⁶ Government of Seychelles, *Constitution of the Republic of Seychelles*, (June 18, 1993), article 31; available from <http://www.cmseducation.org/wconsts/seychelles.html>.

⁴⁴⁵⁷ Government of Seychelles, *Conditions of Employment Regulations, 1991*, SI. 34 of 1991, articles 21 and 22; available from <http://www.employment.gov.sc/Documents/Employment%20Act%20Reg-Electronic.pdf>.

⁴⁴⁵⁸ ILO Committee of Experts, *Direct Request concerning Minimum Age Convention, 1973 (No. 138) Seychelles (ratification: 2000)*, [online] 2010 [cited July 23, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=24839&chapter=9&query=Seychelles%40ref&highlight=&querytype=bool&context=0>. See also ILO Committee of Experts, *Direct Request concerning the Worst Forms of Child Labor Convention, 1999 (No. 182) Seychelles (ratification: 1999)*, [online] 2010 [cited July 23, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25342&chapter=9&query=Seychelles%40ref&highlight=&querytype=bool&context=0>.

⁴⁴⁵⁹ Government of Seychelles, *International Trade Zone (Conditions of Employment) Order, 1997*, SI. 13 of 1997, (February 10), article 17; available from http://www.siba.net/index.php?s=file_download&id=36.

⁴⁴⁶⁰ Government of Seychelles, *Constitution*, article 17.

⁴⁴⁶¹ Government of Seychelles, “Seychelles,” in *Legislation of Interpol Member States on Sexual Offences against Children*, 2006; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaSeychelles.pdf>.

⁴⁴⁶² Ibid.

⁴⁴⁶³ Ibid.

⁴⁴⁶⁴ Ibid.

⁴⁴⁶⁵ U.S. Embassy- Port Louis, *reporting, February 18, 2010*. See also National Council for Children, *Services*, [online] [cited November 10, 2010]; available from <http://www.ncc.sc/p/services>.

⁴⁴⁶⁶ U.S. Department of State, “Seychelles,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135974.htm>.

⁴⁴⁶⁷ Government of Seychelles, *National Plan of Action on Social Development, 2005-2015*, Social Development Division, Ministry of Health and Social Services, 2006, 49, 50; available from <http://un.intnet.mu/undp/downloads/seychelles/NPASD.doc>.

⁴⁴⁶⁸ Office of the President of the Republic of Seychelles, *The State House Newsletter*, 1, 2010; available from http://www.statehouse.gov.sc/index.php?option=com_filecabinet&view=files&id=9&Itemid=74.

⁴⁴⁶⁹ U.S. Embassy- Port Louis, *reporting*, March 25, 2010. See also Children’s Homes Foundation, *What We Do*, [online] March 17, 2008 [cited November 11, 2010]; available from <http://www.childhomesfoundation.org.sc/pages/Homes.aspx>. See also Seychelles NATION, *President Extends Special Fund for School Children*, [online] January 18, 2010 [cited August 3, 2010]; available from <http://www.nation.sc/imprimer.php?art=18283>.

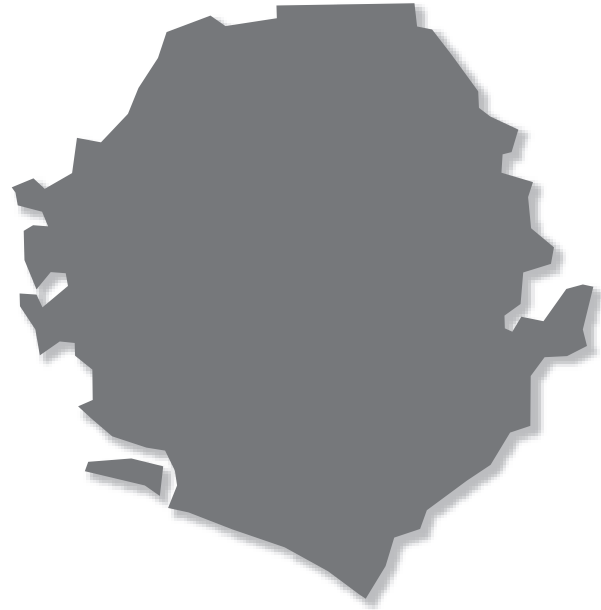
⁴⁴⁷⁰ U.S. Embassy- Port Louis, *reporting, March 25, 2010*.

Sierra Leone

The Government of Sierra Leone participates in donor-funded social protection programs for the elimination of the worst forms of child labor. However, the worst forms of child labor continue to exist especially in agriculture, mining, fishing, and domestic work. Significant gaps remain in the enforcement of child labor laws.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	58.5%
Attending School	5-14 yrs.	67.8%
Combining Work and School	7-14 yrs	44.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Sierra Leone are exploited in the worst forms of child labor,⁴⁴⁷¹ many of them in agriculture, mining, fishing, and domestic work. Children's work in agriculture may expose them to long working hours, dangerous tools, and arduous tasks.⁴⁴⁷²

Children in Sierra Leone labor in alluvial diamond mining areas.⁴⁴⁷³ Several thousand children, mainly boys, toil in an environment that threatens their health and safety. They work long hours, sometimes six to seven days a week, in harsh conditions. They are vulnerable to accidents and diseases and are exposed to collapsing mine pits.⁴⁴⁷⁴ The children report injury and illness due to the hazardous activities they perform.⁴⁴⁷⁵ Some children as young as age 10 transport heavy bags of gravel on their heads in the mining areas and work from dawn to dusk.⁴⁴⁷⁶ The majority of children laboring in a primary diamond mining area of Sierra Leone—the Kono district—are boys between ages 10 and 17. These boys work in dangerous conditions, with boys age 14 to 17 working in the mines collecting diamonds. Younger children age 5 to 13 generally engage in petty trade and perform other supportive roles around the mines for relatives without pay.⁴⁴⁷⁷ Children in Sierra Leone are also found crushing stones in granite quarries under unsafe and unhealthy

labor conditions, including carrying heavy loads and working long hours.⁴⁴⁷⁸

Children in Sierra Leone work in the fishing industry. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of snapper, mackerel and herring.⁴⁴⁷⁹ Fishing may expose children to the risk of drowning.

Children also engage in domestic work and petty vending.⁴⁴⁸⁰ Adults use street children to sell various items, steal, and beg.⁴⁴⁸¹ Street children engage in commercial sexual exploitation in large cities like Freetown and Bo.⁴⁴⁸² Some are vulnerable to trafficking and other exploitive practices.⁴⁴⁸³

In various countries, including Sierra Leone, parents practice the tradition of sending children to Koranic teachers to receive education, which may include a vocational or apprenticeship component. While some boys receive lessons, others are forced to beg and surrender the money that they have earned or perform manual labor, including in agriculture.⁴⁴⁸⁴

Sierra Leone is a source, transit, and destination country for children and women trafficked for the purpose of forced labor and commercial sexual exploitation.⁴⁴⁸⁵ The majority of the trafficked victims are children from rural provinces or refugee

communities who are trafficked to urban and mining areas.⁴⁴⁸⁶ Sierra Leonean women and children are also trafficked to other West African countries, notably Guinea, Cote d'Ivoire, Liberia, Nigeria, Guinea-Bissau, and The Gambia for forced labor and commercial sexual exploitation. They are also trafficked to North Africa, the Middle East, and Europe for domestic servitude and sexual exploitation.⁴⁴⁸⁷ Children from Nigeria are also trafficked to Sierra Leone for forced begging, forced labor, and sexual exploitation.⁴⁴⁸⁸






Laws and Regulations on the Worst Forms of Child Labor

The Child Rights Act, enacted in 2007, sets the minimum age for employment at 15. In addition, children must be age 15 or have completed basic education (whichever is later) before entering into an apprenticeship in either the formal or informal sector. Children are also prohibited from performing night work, between the hours of 8:00 p.m. and 6:00 a.m.⁴⁴⁸⁹

The law also prohibits children under age 18 from being employed in hazardous work, defined as work that is dangerous to a child's health, safety, or morals. The law identifies specific activities as hazardous, including seafaring, mining and quarrying, carrying heavy loads, working in bars, operating machines, and working in environments where chemicals are produced or used.⁴⁴⁹⁰

Sierra Leone's Child Rights Act contains provisions drawn from the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child with some local adaptations. The National Child Rights Act supersedes all other existing national laws and adopts the international definitions of the child as any person below age 18.⁴⁴⁹¹ Any person who violates the age restrictions within the Child Rights Act could face two years of imprisonment and/or a fine.⁴⁴⁹²

Forced and compulsory labor by children is prohibited by law.⁴⁴⁹³ The Child Rights Act prohibits commercial sexual exploitation of children below age 18, but does not criminalize procuring or offering a child for the production of pornography. The Anti-Human Trafficking Act also criminalizes all forms of human trafficking.⁴⁴⁹⁴ The age for voluntary recruitment or conscription into the armed forces is 18.⁴⁴⁹⁵

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research has found no evidence that the Government of Sierra Leone has established a coordinating mechanism to combat the worst forms of child labor specifically; however, the Ministry of Social Welfare, Gender and Children's Affairs' (MOSWGCA) Child Protection Unit has the primary responsibility for protecting children. The Government has established a task force, lead by the Family Support Unit of the Sierra Leone Police (SLP), to coordinate anti-trafficking efforts and an Inter-Ministerial Committee on Trafficking co-chaired by the Ministry of Justice and MOSWGCA.⁴⁴⁹⁶ It includes the Ministries of Education, Internal Affairs, Information, Labor, Health, Foreign Affairs, Local Government, Youth, and Tourism.⁴⁴⁹⁷ District labor officers are responsible for initial investigations and enforcement of child labor provisions in The Child Rights Act at the district level, and the District Councils are responsible for the enforcement in the informal sector.⁴⁴⁹⁸ These district-level labor officers and District Councils have limited punitive powers. However, many local community leaders and chiefs have enacted their own bylaws to punish and deter violations with varying success.⁴⁴⁹⁹

At the national level, the Ministry of Labor enforces child labor laws and employs 10 labor inspectors to

investigate child labor abuses.⁴⁵⁰⁰ The Ministry of Mineral Resources is also charged with enforcing regulations against the use of child labor in mining activities.⁴⁵⁰¹ By law, the Ministry of Mineral Resources is supposed to refuse and revoke the licenses of those in the sector using underage labor. It has never used the revocation provision of the law. The Ministry of Mineral Resources has 300 to 400 monitors in the field, who, while not specifically tasked, sometimes intervene if child labor is found.⁴⁵⁰²

According to USDOS, the Government did not effectively enforce laws against child labor, as well as forced and bonded child labor. However, according to NGOs and government officials, there is a noticeable decline in the prevalence of child labor due to the passing of the Child Rights Act.⁴⁵⁰³ Reports indicate that child labor remains pervasive in the artisanal mining sector.⁴⁵⁰⁴

No information has been identified regarding mechanisms of criminal law enforcement with respect to the worst forms of child labor. During the reporting period, there were no prosecutions for child labor violations; instead, mediation is generally conducted at the time of the violation.⁴⁵⁰⁵

Government Policies on the Worst Forms of Child Labor

In 2007, the Task Force set up by the Government of Sierra Leone created a National Plan of Action, which is currently in force, and, in 2009, the Government signed the regional Policy on the Protection and Assistance to Trafficked Persons approved by ECOWAS.⁴⁵⁰⁶

Sierra Leone is one of 24 countries to adopt the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, especially Women and Children, in West and Central African Regions.⁴⁵⁰⁷ As part of the regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, the Government agreed to investigate and prosecute trafficking offenders, to rehabilitate and reintegrate

trafficking victims, and to assist fellow signatory countries to implement these measures under the Agreement.⁴⁵⁰⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Sierra Leone has participated in programs to eliminate the worst forms of child labor.⁴⁵⁰⁹ Since 2005, the Government has participated in the 4-year, \$6 million DOL-funded regional project in Sierra Leone and Liberia, which aims to withdraw 8,243 children and prevent an additional 21,647 children in both countries by improving access to quality education.⁴⁵¹⁰ The project works with the Ministry of Education, Youth, and Sports (MEYS) to support marginalized and disaffected children and youth by providing them with educational or skills training opportunities, school materials, uniforms, and tuition vouchers. The program also mobilizes and sensitizes communities to child labor.⁴⁵¹¹

With support from international organizations, the Government of Sierra Leone continued to participate in training sessions and awareness-raising campaigns on trafficking during the reporting period.⁴⁵¹²

The Government of Sierra Leone also continued to participate in a 2-year, \$324,000 project funded by USDOS to provide training on trafficking and to strengthen victim referral networks.⁴⁵¹³ In addition, the Government is participating in a 4-year, \$23.8 million project, funded by the EU to combat child labor through education in 11 countries, including Sierra Leone.⁴⁵¹⁴ One of the project's key objectives is strengthening the capacity of national and local authorities to implement and enforce child labor policies.⁴⁵¹⁵

The Government's investment in social programs is minimal, and it relies heavily on donor funding to address the worst forms of child labor. These programs are too limited to address the scope of child labor in Sierra Leone, particularly among children working in agriculture, mining, fishing, and domestic work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Sierra Leone:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Child Rights Act to include child laborers in industrial undertakings in commerce and agriculture.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Increase Ministry of Labor efforts to enforce worst forms of child labor laws.
- Task the monitors of the Ministry of Mineral Resources to enforce child labor laws in artisanal mining.
- Prosecute offenders of violations of the child labor laws.

IN THE AREA OF POLICIES:

- Fund and implement the National Plan of Action on the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop and provide funding for specific social programs to eliminate the worst forms of child labor in agriculture, mining, fishing, and domestic work.

⁴⁴⁷¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining working and schooling are from 2005. Data on school attendance are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁴⁷² International Confederation of Free Trade Unions (ICFTU), *Internationally Recognized Core Labour Standards in Sierra Leone: Report for the WTO General Council Review of the Trade Policies of Sierra Leone*, Geneva, 2005; available from <http://www.icftu.org/www/pdf/clssierraleone2005.pdf>.

⁴⁴⁷³ U.S. Department of State, "Sierra Leone," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also A. Hatløy M. Bøås, *Living in a material world*, Fafo Institute for Applied Social Science, Oslo, 2006, 49; available from <http://www.faf.no/>

pub/rapp/515/515.pdf. See also L. Gberie, *War and Peace in Sierra Leone: Diamonds, Corruption and the Lebanese Connection*, Partnership Africa Canada, Ottawa, November 2002, 20; available from http://action.web.ca/home/pac/attach/sierraleone2002_e.pdf. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Sierra Leone second report*, CRC/C/SLE/2, Geneva, September 8, 2006, articles 88, 320, and 322; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0d28ce8b8d49b955c12572610029584b/\\$FILE/G0644130.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0d28ce8b8d49b955c12572610029584b/$FILE/G0644130.pdf).

⁴⁴⁷⁴ Afrol News, "Child labour affects 72% of Sierra Leone's Children," *Afrol News*, February 9, 2010.

⁴⁴⁷⁵ U.S. Department of State, "Country Reports- 2009: Sierra Leone," section 7d. See also M. Bøås, *Living in a material world*, 56-59, 61-63, 65. See also International Rescue Committee, *Child Labor and Education in Sierra Leone: Needs and Resource Assessment in Targeted Communities*, New York, June 2006, 12. See also UN, *Economic and Social Council: Advisory Services and Technical Cooperation in the Field of Human Rights*, E/CN.4/2006/106, February 15, 2006, section 10.

⁴⁴⁷⁶ Lansana Fofana, "Sierra Leone: Child Miners - Legacy of Conflict", *Allafrica.com* May 7, 2009 [cited May 20, 2010]; available from <http://allafrica.com/stories/printable/200905080020.html>.

⁴⁴⁷⁷ M. Bøås, *Living in a material world*, 50, 63, 70. See also Office of the UN Secretary General, *Children and*

Armed Conflict: Report of the Secretary-General, A/58/546, Geneva, October 30, 2003, section 40; available from http://www.essex.ac.uk/armedcon/story_id/000161.pdf. See also U.S. Embassy- Freetown official, E-mail communication to USDOL official, July 14, 2009.

⁴⁴⁷⁸ MACRO International, *In-Country Research: Summaries of Goods Researched*, In-Country Research and Data Collection on Forced Labor and/or Child Labor in the Production of Goods, 2008.

⁴⁴⁷⁹ MACRO International, *In-Country Research: Site Visit Notes*, In-Country Research and Data Collection on Forced Labor and/or Child Labor in the Production of Goods, 2008. See also MACRO International, *In-Country Research: Summaries of Goods Researched*. See also MACRO International, *In-Country Research: Interview Type 2*, In-Country Research and Data Collection on Forced Labor and/or Child Labor in the Production of Goods, 2008. See also U.S. Department of State, “Country Reports- 2009: Sierra Leone,” section 7d.

⁴⁴⁸⁰ ICFTU, *Core Labour Standards* sections III. See also UN Committee on the Rights of the Child, *Consideration of Report: Sierra Leone*, sections 88, 320, and 322.

⁴⁴⁸¹ U.S. Department of State, “Country Reports- 2009: Sierra Leone,” section 7d. See also UN Committee on the Rights of the Child, *Consideration of Report: Sierra Leone*, sections 88, 320, and 322. See also International Rescue Committee IRC, *Countering Youth and Child Labour through Education (CYCLE)*, Project Document, New York, August 2007, 9.

⁴⁴⁸² U.S. Department of State, “Country Reports- 2009: Sierra Leone,” section 6.

⁴⁴⁸³ Ibid.

⁴⁴⁸⁴ Peter Easton, Mark Peach, Ibrahima Lalya Bah, ElHadj Bella Doumboula, and Mohammed Lamine Barry., *Research Studies Series no. 8, International Working Group on Nonformal Education of the Association for the Development of Education in Africa*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May, 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/abel2.html> [hard copy on file]. See also Peter. Easton, “*Education and Koranic Literacy in West Africa*, August, 1999; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>.

⁴⁴⁸⁵ U.S. Department of State, “Sierra Leone (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009>.

⁴⁴⁸⁶ Ibid.

⁴⁴⁸⁷ Ibid.

⁴⁴⁸⁸ Ibid.

⁴⁴⁸⁹ Government of Sierra Leone, *Child Rights Act 2007*, (June 7, 2007), sections 125-127, 128, 134-135; available from <http://www.sierra-leone.org/Laws/2007-7p.pdf>.

⁴⁴⁹⁰ Ibid.

⁴⁴⁹¹ UNICEF, *Sierra Leone Approves the National Child Rights Bill*, Freetown, June 7, 2007; available from http://www.unicef.org/media/media_39951.html?q=printme.

⁴⁴⁹² Government of Sierra Leone, *Child Rights Act 2007*, part VIII, 131(1), 54.

⁴⁴⁹³ U.S. Department of State, “Country Reports- 2009: Sierra Leone,” section 7c.

⁴⁴⁹⁴ Government of Sierra Leone, *The Anti-Human Trafficking Act*, Vol CXXXVI, No 44, (August 18, 2005), Part II 2.1; available from <http://www.sierra-leone.org/Laws/2005-7p.pdf>.

⁴⁴⁹⁵ Government of Sierra Leone, *Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed conflicts*, Freetown, August 2007, article 2; available from www.essex.ac.uk/armedcon/story_id/000811.doc.

⁴⁴⁹⁶ U.S. Embassy- Freetown, *reporting*, February 12, 2010, para 14.

⁴⁴⁹⁷ Ibid.

⁴⁴⁹⁸ U.S. Embassy- Freetown, *reporting*, January 27, 2009.

⁴⁴⁹⁹ Ibid.

⁴⁵⁰⁰ U.S. Department of State, “Country Reports- 2009: Sierra Leone,” section 7d. See also U.S. Embassy- Freetown, *reporting, February 12, 2010*, para 5.

⁴⁵⁰¹ U.S. Embassy- Freetown, *reporting, January 27, 2009*.

⁴⁵⁰² Ibid.

⁴⁵⁰³ Ibid.

⁴⁵⁰⁴ Ibid.

⁴⁵⁰⁵ Ibid., para 10.

⁴⁵⁰⁶ U.S. Embassy- Freetown, *reporting*, April 7, 2010, para 5D.

⁴⁵⁰⁷ Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006.

⁴⁵⁰⁸ ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-13; available from http://www.ceeac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc.

⁴⁵⁰⁹ U.S. Embassy- Freetown, *reporting, February 12, 2010*.

⁴⁵¹⁰ IRC, *CYCLE, Project Document*, 1-2, 23.

⁴⁵¹¹ International Rescue Committee, *Countering Youth and Child Labour through Education (CYCLE)*, Technical Progress Report, New York, September 2008.

⁴⁵¹² U.S. Embassy- Freetown, *reporting, February 12, 2010*.

⁴⁵¹³ U.S. Embassy- Freetown, *reporting*, September 30, 2008, para 1. See also U.S. Department of State, *Fiscal Year 2008 Anti-Human Trafficking Programs*, Washington, DC, November 3, 2008; available from <http://www.state.gov/g/tip/rls/rpt/111540.htm>.

⁴⁵¹⁴ ILO-IPEC Geneva official, E-mail communication to USDOL official, December 15, 2008. See also ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8511>.

⁴⁵¹⁵ ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*

Solomon Islands

Commercial sexual exploitation of boys and girls continues to be a problem, particularly in association with the fishing and logging industries. Significant gaps remain in the laws against the worst forms of child labor and in the enforcement of those laws.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in the Solomon Islands are exploited in the worst forms of child labor.⁴⁵¹⁶ Both boys and girls are engaged in commercial sexual exploitation associated with the logging, tourism, and fishing industries in areas near logging camps, on fishing boats, and in Honiara, the capital city.⁴⁵¹⁷ Girls are trafficked within the Solomon Islands to logging camps for commercial sexual exploitation and boys and girls are brought by their parents to foreign and local fishing ships for commercial sexual exploitation with fishermen.⁴⁵¹⁸ Children are also involved in the sale and production of illegal homebrewed alcohol.⁴⁵¹⁹ Although research is limited, there are reports that children are also used in pornography.⁴⁵²⁰

Laws and Regulations on the Worst Forms of Child Labor





The Labour Act permits children as young as age 12 to work. Children under age 15 are prohibited from working in industry or on ships and children under age 16 from working in underground mines.⁴⁵²¹ The Solomon Islands does not have a law prohibiting all children through age 17 from hazardous work nor is

there a comprehensive list of hazardous occupations in place in the country. Children between ages 16 and 18 are barred from working in mines or on ships without a medical certificate and at night without specific written permission from the Commissioner of Labor.⁴⁵²² The absence of a compulsory education law places children at risk of involvement in the worst forms of child labor.⁴⁵²³ The Constitution prohibits slavery and forced labor.⁴⁵²⁴

There are no government armed forces in the Solomon Islands.⁴⁵²⁵ The law allows that if needed, forces can be drawn from the Solomon Islands Police Force which has a minimum recruiting age of 18.⁴⁵²⁶

The Penal Code criminalizes production, possession, and distribution of pornography.⁴⁵²⁷ Selling or hiring minors under age 15 and girls under age 18 for prostitution is punishable as a criminal offense.⁴⁵²⁸

Some general provisions in the Penal Code against prostitution, kidnapping, and abduction could be applied to prosecute sex and labor trafficking.⁴⁵²⁹ Prostitution laws do not cover boys between the ages of 15 and 18; therefore they may leave boys without legal protections concerning commercial sexual exploitation.

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	12
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	None
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Although the extent of government coordination of efforts to combat child labor is unclear, the Ministry of Labor hired a desk officer to work on ILO labor standards and child labor issues.⁴⁵³⁰ The Commissioner of Labor, the head of the Labor Division in the Ministry of Commerce, Industry, Labor, and Immigration, is responsible for enforcing child labor laws.⁴⁵³¹ Information was not identified on the number of labor inspectors, enforcement actions, or

the number of violations found during the reporting period. Sources, including the Government, note that lack of sufficient capacity and resources has prevented meaningful enforcement of the laws.⁴⁵³²

While there is some awareness of the problem of commercial sexual exploitation of children, the Government is severely limited in its institutional capacity to address the issue.⁴⁵³³ The Solomon Islands Police Force, in partnership with the Australian-led Regional Assistance Mission to the Solomon Islands Participating Police Force, appears to be the only body responsible for enforcing laws related to trafficking and commercial sexual exploitation.⁴⁵³⁴ Research did not identify information regarding enforcement actions against commercial sexual exploitation of children.

Government Policies on the Worst Forms of Child Labor

Although research found no evidence of child labor specific policies in the Solomon Islands, the Government signed its first Decent Work Program with the ILO for the period 2009-2010.. This program's priorities include promoting decent employment for youth and making progress towards eliminating child labor.⁴⁵³⁵

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence of any social programs by the Government of the Solomon Islands to address the worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Solomon Islands:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Act [1996 Edition] to increase the minimum ages for employment and hazardous work to 14 and 18, respectively, and institute a list of hazardous occupations.
- Institute a law requiring all children to attend school through the age of 14.
- As part of the ongoing review of the Penal Code 1963:
- Amend laws to prohibit the prostitution of boys under age of 18.
- Ensure that laws contain comprehensive protections against the trafficking of children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make information on inspections and investigations regarding the worst forms of child labor publicly available.
- Ensure that enforcement agencies have adequate resources and the capacity to effectively enforce worst forms of child labor laws.

IN THE AREA OF POLICIES:

- Implement strategies for the elimination of child labor under the Decent Work Program.

IN THE AREA OF PROGRAMS:

- Initiate programs to address the worst forms of child labor, particularly the commercial sexual exploitation of children.

⁴⁵¹⁶ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁵¹⁷ UNICEF Pacific, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, Suva, 2008; available from http://www.unicef.org/pacificislands/Small_CESEC.pdf. See also Solomon Islands Department of Home Affairs official, Interview with USDOL official, June 20, 2006. See also Tania Herbert, *Commercial Sexual Exploitation of Children in the Solomon Islands: A Report Focusing on the Presence of the Logging Industry in a Remote Region*, Christian Care Center of the Church of Melanesia, Honiara, July 2007; available from <http://www.melanesiangeo.org/resources/Solomons%20Child%20Exploitation.pdf>. See also Solomon Islands Port Authority official, Interview with USDOL consultant, June 28, 2006. See also Rory Callinan, “Generation Exploited,” *Time* 167, no. 13 (March 27, 2006); available from [http://](http://www.time.com/time/magazine/article/0,9171,1174745,00.html)

www.time.com/time/magazine/article/0,9171,1174745,00.html.

⁴⁵¹⁸ U.S. Department of State, “Solomon Islands (Special Cases),” in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105660.pdf>. See also Herbert, *Logging Industry: Solomon Islands*. See also Callinan, “Generation Exploited.”

⁴⁵¹⁹ Solomon Islands Central Magistrate’s Court official, Interview with USDOL consultant, June 23, 2006. See also Solomon Islands Police official, Interview with USDOL consultant, September 3, 2006.

⁴⁵²⁰ Callinan, “Generation Exploited.” See also UNICEF Pacific, *Commercial sexual exploitation in the Pacific*. See also Solomon Islands National Council of Women official, Interview with USDOL consultant, June 23, 2006.

⁴⁵²¹ Government of Solomon Islands, *Labour Act (Chapter 73)*, (1996 Edition), articles 46-48; available from <http://www.paclii.org>.

⁴⁵²² *Ibid.*, article 49.

⁴⁵²³ *Ibid.*, article 46.

⁴⁵²⁴ Government of Solomon Islands, *Constitution of Solomon Islands*, (July 7, 1978), article 6; available from

http://www.paclii.org/sb/legis/consol_act/c1978167/.

See also International Trade Union Confederation, *Internationally Recognised Core Labour Standards in the Solomon Islands: Report for the WTO General Council Review of the Trade Policies of the Solomon Islands*, Geneva, May 6 and 8, 2009; available from http://www.ituc-csi.org/IMG/pdf/WTO_report_Solomon_final0509.pdf.

⁴⁵²⁵ Coalition to Stop the Use of Child Soldiers, “Solomon Islands,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/solomon-islands>.

⁴⁵²⁶ Salote Austin, Osborn Cains, Anafia Norton, Penelope Taylor, Marie Wernham, and Freida, *Protect Me with Love and Care: A Baseline Report for the Solomon Islands*, UNICEF Pacific, Suva, November, 20009; available from http://www.unicef.org/pacificislands/UNICEF_Solomon_Report1.pdf.

⁴⁵²⁷ Government of Solomon Islands, *Penal Code (Chapter 26)*, (Revised 1996), article 173; available from http://www.paclii.org/sb/legis/consol_act/pc66/.

⁴⁵²⁸ *Ibid.*, articles 149-150.

⁴⁵²⁹ *Ibid.*, articles 144, 248, 250. See also U.S. Department of State, “Trafficking in Persons Report- 2008: Solomon Islands.”

⁴⁵³⁰ ILO, *Country Baseline under the ILO Declaration Annual Review (2000-2009): Solomon Islands: The effective abolition of child labour*, Status Report, Geneva, 2009; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_091263.pdf.

⁴⁵³¹ U.S. Department of State, “Solomon Islands,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136009.htm>.

⁴⁵³² International Trade Union Confederation, *Review of Trade Policies of the Solomon Islands*. See also Solomon Islands Ministry of Labor official, Interview with USDOL consultant, June 12, 2006. See also ILO, *Country Baseline: Solomon Islands, Status Report*. See also U.S. Department of State, “Country Reports- 2009: Solomon Islands.”

⁴⁵³³ Callinan, “Generation Exploited.”

⁴⁵³⁴ *Ibid.* See also Herbert, *Logging Industry: Solomon Islands*.

⁴⁵³⁵ ILO, *Fact Sheet: Solomon Islands*, Status Report, Bangkok, 2010; available from http://bravo.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS_120549/index.htm.

Somalia

The collapse of the Central Government in Somalia in 1991 and ensuing instability and violence in the country have hindered efforts to address the worst forms of child labor. There is currently no minimum age for employment, no compulsory education, and no infrastructure for monitoring or combating child labor. Children engage in the worst forms of child labor in agriculture and continue to be recruited by armed groups, including the Transitional Federal Government's armed forces, for use in armed conflict.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	39.8%
Attending School	5-14 yrs.	48.9%
Combining Work and School	7-14 yrs	20.2%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Somalia,⁴⁵³⁶ many of them in agriculture, including herding.⁴⁵³⁷ Children's work in agriculture commonly involves using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.

Children also work on the streets selling cigarettes, washing cars, and shining shoes.⁴⁵³⁸ Street work often exposes children to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminals. Children are also forced in to prostitution, break rocks for gravel, work in quarries, and perform construction.⁴⁵³⁹

Armed groups and militias, including al-Shabaab and Hizbul Islam systematically recruit children, while the Transitional Federal Government continues to recruit and use children in military operations. Some of the conscripted children plant roadside bombs, operate checkpoints, and are trained to conduct assassinations.⁴⁵⁴⁰

It is believed that Somalia is a source, destination, and transit country for child trafficking.⁴⁵⁴¹ Children are reportedly trafficked for forced labor and sexual exploitation by armed militias. There have also been reports that children are trafficked from Somalia to Djibouti, Malawi, and Tanzania for prostitution and exploitive labor, and to South Africa for prostitution.⁴⁵⁴²






Laws and Regulations on the Worst Forms of Child Labor

Three distinct entities have concurrently governed Somalia since 1991: the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of Puntland in the northeast; and iterations of a southern Central Government, the most recent of which is the Transitional Federal Government (TFG) in Mogadishu.⁴⁵⁴³ The pre-1991 Labor Code establishes the minimum age for employment at 15.⁴⁵⁴⁴ Additionally the pre-1991 Labor Code prescribes different minimum ages for certain hazardous activities. For example, 16 was the minimum age for employment in construction and age 18 for work on a vessel or underground.⁴⁵⁴⁵ However, it is unclear whether the Labor Code still applies because the 2004

TFG charter requires the government to establish a minimum age for employment.⁴⁵⁴⁶ This legal gap leaves children unprotected under the law from the worst forms of child labor.

The 2004 TFG Charter prohibits forced labor and military service for children under 18.⁴⁵⁴⁷ It also prohibits child prostitution.⁴⁵⁴⁸

Due to the collapse of the Central Government in 1991, Somalia lacks a clear legal framework on child labor. Efforts to address and prevent exploitive child labor are hampered by basic problems including the fact that it is unclear if there is currently a minimum age for employment, there is no list of hazardous activities prohibited to children, no age for compulsory education, and no free education for children. Additionally none of the regions have laws that specifically prohibit human trafficking.⁴⁵⁴⁹

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	No
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research did not find evidence that any agency in the three government entities is charged with coordinating efforts to combat child labor.

In all three regions of Somalia, the Ministries of Labor, Justice, Interior, and Security are responsible for enforcing laws relating to worst forms of child labor.⁴⁵⁵⁰ However, the governing entities do not enforce child labor laws, and children are actively exploited through military recruitment, including by the TFG.⁴⁵⁵¹

There was no funding provided to agencies for inspections and no inspectors were employed to enforce child labor laws.⁴⁵⁵²

In addition research found no evidence of an institutional infrastructure to provide enforcement, investigations, or reporting on child trafficking, commercial sexual exploitation of children, and the use of children in illicit activities.⁴⁵⁵³

The TFG has, however, formed a presidential commission to investigate allegations of child recruitment, and used African Union doctors and military officials to oversee recent recruitment drives.⁴⁵⁵⁴

Government Policies on the Worst Forms of Child Labor

The Transitional Federal Government has taken steps to end child recruitment for military operations, including signing an anti-recruitment pledge with the UN Special Representative of the Secretary General for Children and Armed Conflict.⁴⁵⁵⁵

Research found no evidence that Somalia has a comprehensive policy or plan to address all forms of exploitive child labor. Authorities in all regions did not provide funding or non-monetary support for policies or plans to address child labor.⁴⁵⁵⁶

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence that any governing structure in Somalia has developed any program to sufficiently combat the worst forms of child labor.⁴⁵⁵⁷

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Somalia:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt legal framework on child labor that includes a minimum age for work and a list of hazardous work activities.
- Adopt laws prohibiting human trafficking.
- Establish an age for compulsory education.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Provide needed funding for agencies responsible for enforcement of child labor laws and hire labor inspectors.
- Immediately cease the recruitment of children for military service
- Enforce the prohibitions laid out in the Transitional Federal Government Charter of 2004 on forced labor and military service for children under age 18.
- Establish an infrastructure to address criminal worst forms of child labor.

IN THE AREA OF POLICIES:

- Develop a comprehensive policy and action plan to combat the worst forms of child labor.
- Develop a comprehensive policy and action plan on the use of child soldiers.
- Make education free to all children.

IN THE AREA OF PROGRAMS:

- Develop programs to prevent and address children's involvement in the worst forms of child labor, particularly the use of children in armed conflict.

⁴⁵³⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁵³⁷ U.S. Embassy- Nairobi, *reporting*, Nairobi, March 1, 2010. See also U.S. Department of State, "Somalia," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119024.htm>.

⁴⁵³⁸ U.S. Department of State, "Country Reports- 2008: Somalia." See also Integrated Regional Information Networks, "Somalia: Conflict, drought force more children onto Hargeisa streets", IRINnews.org, [online], October 22, 2008 [cited February 4, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportId=81052>. See also U.S. Embassy- Nairobi, *reporting*, March 1, 2010, para 2.

⁴⁵³⁹ U.S. Department of State, "Somalia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135976.htm>. See also U.S. Department of State, "Country Reports- 2008: Somalia," sections 5 and 6d. See also U.S. Embassy- Nairobi, *reporting*, March 1, 2010, para 2.

⁴⁵⁴⁰ UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, S/2009/158, March 26, 2009, 20; available from <http://daccess-ods.un.org/TMP/3496331.html>. See also UN Security Council, *Report of the Secretary-General on Children and Armed Conflict in Somalia*, S/2008/352, May 30, 2008, para 21, 23, 25; available from <http://www.mineaction.org/downloads/1/>

S2008352.pdf. See also U.S. Department of State, “Country Reports- 2008: Somalia,” section 1G. See also U.S. Embassy- Nairobi, *reporting, March 1, 2010*, para 2. See also U.S. Department of State, “Somalia (Special Cases),” in *Trafficking in Persons Report - 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142763.htm>. See also Coalition to Stop the Use of Child Soldiers, “Somalia,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/regions/country?id=196>. See also UN News Service, “UN identifies most persistent users of child soldiers in armed conflicts,” [online], May 21, 2010 [cited September 22, 2010]; available from <http://www.un.org/apps/news/story.asp?NewsID=34778&Cr=coomar&Cr1#>. See also Jeffrey Gettleman, “U.N. Voices Concern on Child Soldiers in Somalia,” *The New York Times* (New York City), June 16, 2010; available from http://www.nytimes.com/2010/06/17/world/africa/17somalia.html?_r=1&pagewanted=print. See also Jeffrey Gettleman, “Children Carry Guns for a U.S. Ally, Somalia,” *The New York Times* (New York City), June 13, 2010; available from <http://www.nytimes.com/2010/06/14/world/africa/14somalia.html?pagewanted=print>. See also BBC News, “Alarm over Somalia’s child soldiers,” [online], July 29, 2009 [cited September 22, 2010]; available from <http://news.bbc.co.uk/2/hi/8173079.stm>.

⁴⁵⁴¹ U.S. Department of State, “Trafficking in Persons Report - 2010: Somalia.” See also Integrated Regional Information Networks, “Tragic Cargo- Part One,” IRINnews.org, [online], June 8, 2006 [cited February 4, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=59251>.

⁴⁵⁴² U.S. Department of State, “Trafficking in Persons Report - 2010: Somalia.” See also U.S. Department of State, “Country Reports- 2008: Somalia,” section 5.

⁴⁵⁴³ U.S. Department of State, “Country Reports- 2008: Somalia,” introduction. See also U.S. Department of State, “Trafficking in Persons Report - 2010: Somalia.”

⁴⁵⁴⁴ The Government of Somalia, *Law No. 65 of 18 October 1972 to promulgate the Labour Code*, 1972, Article 93; available from http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127639.pdf.

⁴⁵⁴⁵ Ibid., Article 94.

⁴⁵⁴⁶ Transitional Federal Government of Somalia, *Transitional Federal Charter for the Republic of Somalia*, 2004, article 18; available from <http://www.iss.co.za/AF/profiles/Somalia/charterfeb04.pdf>.

⁴⁵⁴⁷ Ibid., articles 18(4) and 26(d).

⁴⁵⁴⁸ U.S. Department of State, “Country Reports- 2009: Somalia.”

⁴⁵⁴⁹ U.S. Department of State, “Trafficking in Persons Report - 2010: Somalia.” See also U.S. Department of State, “Country Reports- 2009: Somalia.”

⁴⁵⁵⁰ U.S. Embassy- Nairobi, *reporting, March 1, 2010*, para 4.

⁴⁵⁵¹ UN Security Council, *Report of the Secretary-General on Children and Armed Conflict*, 20. See also U.S. Department of State, “Country Reports- 2009: Somalia.”

⁴⁵⁵² U.S. Embassy- Nairobi, *reporting, March 1, 2010*.

⁴⁵⁵³ Ibid., para 5.

⁴⁵⁵⁴ U.S. Department of State official, Email communication to USDOL official, November 18, 2010.

⁴⁵⁵⁵ Ibid.

⁴⁵⁵⁶ U.S. Embassy- Nairobi, *reporting, March 1, 2010*.

⁴⁵⁵⁷ Ibid., para 6.

South Africa

The Government enacted new regulations concerning hazardous child labor and established a national child labor coordinating mechanism. Children continue to work in agriculture. The Government's child social protection system has limited resources to assist children engaged in and vulnerable to the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in South Africa are exploited in the worst forms of child labor,⁴⁵⁵⁸ many in agriculture.⁴⁵⁵⁹ Children's work in agriculture can involve long hours, dangerous tools, physically arduous tasks, and exposure to pesticides.⁴⁵⁶⁰ Child labor is found more frequently in the informal economy.⁴⁵⁶¹ Children are also employed as domestic servants, in many cases working long hours and isolated in homes where they are susceptible to abuse and sexual harassment.⁴⁵⁶² Children are employed in taverns and liquor stores to clean, stock supplies, prepare food, and serve alcohol, work which can increase their access to alcohol, and put them at risk of physical and sexual abuse from adults.⁴⁵⁶³ Children in South Africa also scavenge in landfills and dumpsites for recyclable materials.⁴⁵⁶⁴ This work involves long hours and carrying heavy loads in the midst of dangerous machinery, moving vehicles, and burning toxins.⁴⁵⁶⁵ Children in rural areas often spend hours each day fetching water for their families, and hauling heavy loads over long distances.⁴⁵⁶⁶

Some children in South Africa are exploited in prostitution.⁴⁵⁶⁷ Some children are also forced by adults to commit robberies, including armed robbery, and sell drugs.⁴⁵⁶⁸ Criminal gangs have compelled

children to search abandoned mines for gold.⁴⁵⁶⁹

South Africa remains a country of origin, transit, and destination for children trafficked for sexual exploitation and forced labor.⁴⁵⁷⁰ Children from Lesotho, Malawi, Mozambique, Swaziland, Thailand, and China are trafficked to South Africa for prostitution.⁴⁵⁷¹ Children from Mozambique, Malawi, and Zimbabwe are trafficked to South Africa for agricultural work.⁴⁵⁷² South African girls are also trafficked internally and out of the country for prostitution and domestic service.⁴⁵⁷³ South African boys are trafficked internally for farm work and street vending.⁴⁵⁷⁴

Laws and Regulations on the Worst Forms of Child Labor

According to the *Basic Conditions of Employment Act 75 of 1999 (BCEA)*, the minimum age for work is 15 and the minimum age for hazardous work is 18.⁴⁵⁷⁵ Employers may hire children under the age of 15 to work in the performing arts with permission from the South African Department of Labor (SADOL).⁴⁵⁷⁶ In January 2010, SADOL published new regulations containing a list of exploitive [hazardous] activities that are prohibited for children under 18.⁴⁵⁷⁷ These activities include the production and sale of alcohol,

mining, scavenging in garbage dumps, and exposure to hazardous substances.⁴⁵⁷⁸ The regulations prohibit the employment of children in work that takes place in cold, hot, or noisy environments; involves respiratory hazards, elevated spaces, the lifting of heavy objects, or piecework; or interferes with a child's access to nutrition, health care, or education.⁴⁵⁷⁹ The regulations also provide guidelines for the employment of children in work that requires overnight separation from parents or guardians.⁴⁵⁸⁰

The Children's Amendment Act prohibits the use of children for slavery, slave-like practices, trafficking, commercial sexual exploitation, and illicit activities.⁴⁵⁸¹ The act was signed into law by President Thabo Mbeki in March 2008 and was officially implemented on April 1, 2010.⁴⁵⁸² The Criminal Law Amendment Act 32 of 2007 defines and criminalizes human trafficking for sexual exploitation.⁴⁵⁸³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	No

On May 7, 2009, the President signed into law the Child Justice Act No. 75 of 2008.⁴⁵⁸⁴ This act was implemented on April 1, 2010.⁴⁵⁸⁵ The Act allows for the diversion of child offenders from the formal criminal justice system to alternative forms of justice such as victim-offender mediation and family councils.⁴⁵⁸⁶ It calls for the creation of one-stop child justice centers and for the prosecution of adults who

use children for illicit activities.⁴⁵⁸⁷ When an adult has compelled a child to commit a crime, the Child Justice Act requires court officials to consider this when determining the child's placement in the justice system.⁴⁵⁸⁸

In September 2009, the Government of South Africa ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.⁴⁵⁸⁹

Institutional Mechanisms for Coordination and Enforcement

The Government established the Intersectoral Committee on Child Labor in 2009 to coordinate efforts to combat the worst forms of child labor. The committee is chaired by SADOL and members include representatives from commercial agriculture, trade unions, government, and SAPS.⁴⁵⁹⁰ In 2009, the committee met in March, August, and November.⁴⁵⁹¹

SADOL and SADOJ are responsible for enforcing child labor laws.⁴⁵⁹² SADOL inspectors identify suspected cases of child labor and human trafficking and forward evidence to SADOJ for follow-up.⁴⁵⁹³ Depending on the type of offense, child labor violations are tried in either a criminal or labor court.⁴⁵⁹⁴ SADOL and SADOJ do not report statistics on the number of child labor cases opened, closed, or resolved, or the number of convictions made.⁴⁵⁹⁵ SADOL publishes statistics on the number of inspections conducted and the number of labor complaints received and addressed, but it does not disaggregate its data by child labor violations.⁴⁵⁹⁶ According to the Government, SADOL inspectors have difficulty accessing farms to assess compliance with national labor laws, including prohibitions against child labor.⁴⁵⁹⁷ Although they have legal authority, inspectors frequently do not enter farms without an invitation because they are afraid that farmers will treat them as intruders given the high rate of violent crimes against commercial farmers.⁴⁵⁹⁸

The National Prosecution Authority (NPA) prosecutes human trafficking cases.⁴⁵⁹⁹ The Sexual Offenses and Community Affairs Unit (SOCA) within NPA leads a Trafficking in Persons Task Team, which is composed of the Departments of Labor, Home Affairs, Justice, and Social Development, and other representatives of national law enforcement.⁴⁶⁰⁰ The goals of the

team include developing a national strategy against human trafficking for sexual exploitation; promoting interagency collaboration; preparing operating procedures for new trafficking legislation; and organizing training on human trafficking issues.⁴⁶⁰¹ The Human Trafficking Desk within SAPS seeks to monitor and evaluate efforts to investigate trafficking crimes; trains human trafficking investigators; and refers human trafficking cases to provincial SAPS units.⁴⁶⁰² Despite these efforts, the Government reports that it does not gather systematic data on human trafficking cases and that prosecutors and investigators lack sufficient training on how to identify human trafficking situations.⁴⁶⁰³

Government Policies on the Worst Forms of Child Labor

The National Child Labor Program of Action for South Africa, Phase II, 2008-2012 (CLPA) is the Government's primary policy instrument to prevent and eliminate child labor in South Africa.⁴⁶⁰⁴ It calls for activities across the Government and the promotion of new laws against the worst forms of child labor.⁴⁶⁰⁵ It also includes a list of indicators to monitor the Government's efforts against child labor.⁴⁶⁰⁶

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

From 1998 to 2003, the Government collaborated with ILO-IPEC to collect child labor statistics, and from 2000 to 2003, collaborated with ILO-IPEC on a detailed analysis of the country's child labor policies.⁴⁶⁰⁷ The Government participated in a regional child labor project from 2004 to 2008 funded by USDOL. This 4-year, \$9 million project increased educational opportunities for vulnerable children, piloted a scholarship program for working children, and reviewed South Africa's trafficking legislation.⁴⁶⁰⁸

Over its lifetime, the project rescued 11,127 children from the worst forms of child labor in five countries, including South Africa.⁴⁶⁰⁹ The Government also participated in a 4.5-year, \$5 million, regional project funded by USDOL that conducted research on the extent of child labor in specific sectors, drafted a monitoring plan for the Government's Child Labor Plan of Action, and protected 5,421 children from exploitive labor.⁴⁶¹⁰

In 2009, the Government participated in a \$4.75 million regional project funded by USDOL in three countries, including South Africa. In South Africa, the project conducts awareness campaigns on child labor; assists SADOL with technical support in implementing CLPA; and targets 4,200 children for withdrawal and prevention from the worst forms of child labor, including hazardous work in agriculture.⁴⁶¹¹

During the reporting period, the Government of South Africa promoted social programs that impact the worst forms of child labor. The Government provided direct cash transfers to the households of vulnerable children to alleviate poverty.⁴⁶¹² The Government implemented a no-fee school program that covers the poorest 40 percent of primary schools.⁴⁶¹³ EU, ILO, and IOM funded anti-trafficking planning and awareness-raising activities; and the Government-operated *Thuthuzela* Care Centers that provide medical services, counseling, and legal support to victims of sexual exploitation.⁴⁶¹⁴

The Government has identified constraints on its capacity to offer social protection for children. For example, birth certificates are required to qualify for services, yet more than 20 percent of babies are not registered by their first birthday.⁴⁶¹⁵ Also, the child protection system lacks the financial resources and skilled staff to assist the majority of children who need care.⁴⁶¹⁶

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in South Africa:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Report on the number of child labor cases opened, closed, and resolved and the number of convictions.
- Provide sufficient training and systems for law enforcement personnel to identify worst forms of child labor, including human trafficking cases.
- Establish and enforce appropriate procedures to allow for labor inspections in all regulated areas.
- Collect systematic data on human trafficking cases.

IN THE AREA OF POLICIES:

- Make education freely available to all children.

IN THE AREA OF PROGRAMS:

- Implement programs to ensure that all children have birth certificates.
- Allocate resources to better support children in the social protection system.

⁴⁵⁵⁸ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁵⁵⁹ Government of South Africa, *The Child Labour Programme of Action for South Africa Phase 2 (2008-2012)*, Draft 4.4, Pretoria, June 2007, 15, 17. See also Judith Streak, “Harvesting Childhood: Causes, nature, and impact of child agricultural labour,” *HSRC Review* vol. 5, no. 3 (September 2007); available from http://www.hsrc.ac.za/HSRC_Review_Article-61.phtml.

⁴⁵⁶⁰ Social Surveys Africa, *Report on Conceptualization of Research into Child Labour in Commercial Agricultural in South Africa*, Pretoria, April 7, 2006, 19-29, 23, 39-40. See also Government of South Africa, *Child Labour Programme of Action: Phase 2*, 62-63.

⁴⁵⁶¹ U.S. Embassy- Pretoria official, E-mail communication to USDOL official, October 28, 2010.

⁴⁵⁶² Government of South Africa, *Child Labour Programme of Action: Phase 2*, 59.

⁴⁵⁶³ Andrew Charman, *A rapid assessment of children making and selling liquor in South Africa*, ILO-IPEC, Pretoria, August, 2006, 8-10.

⁴⁵⁶⁴ Saranel Benjamin, *A rapid assessment on scavenging and waste recycling work by children in South Africa*, ILO-IPEC, Pretoria, October, 2007, 7-9.

⁴⁵⁶⁵ Ibid., 11.

⁴⁵⁶⁶ David Hemson, *Young drawers of water: The burden on children in rural South Africa*, TECL Paper 39, Government of South Africa and ILO-IPEC, Pretoria, July 2006, 1, 2, 4, 8; available from http://www.ilo.org/ipecinfor/product/viewProduct.do?jsessionid=0a038009cef56a88a5b927f48058ae6be8ee22b5c19.hkzFngTDp6WImQuUaNaLahD3IN4K-xaIah8S-xyIn3uKmAiN-AnwbQbxaNvzaAmI-huKa30xgx95fjWTa3elpkzFngTDp6WImQuxah8LaN8Qc3yOa2b48OX3b4Dtgj15eMbyknvrkLOlQzNp65In0__?productId=4211.

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⁴⁵⁶⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: South Africa.”

⁴⁵⁷⁰ U.S. Consulate-Johannesburg, *reporting*, February 2, 2010, para 6. See also UNESCO, *Human Trafficking in South Africa: Root Causes and Recommendations*, Paris, 2007, 18-19; available from <http://unesdoc.unesco.org/images/0015/001528/152823E.pdf>.

⁴⁵⁷¹ UNESCO, *Human Trafficking in South Africa*, 20-22. See also U.S. Department of State, “Trafficking in Persons Report- 2010: South Africa.” See also Government of South Africa, *Understanding the Dimensions of Human Trafficking*, 150.

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⁴⁵⁸⁴ Government of South Africa, *Child Justice Act*, No. 75 of 2008, (May 7, 2009), 2; available from <http://www.childjustice.org.za/default.htm>.

⁴⁵⁸⁵ U.S. Embassy- Pretoria official, E-mail communication, October 28, 2010.

⁴⁵⁸⁶ Government of South Africa, *Child Justice Act*, articles 51(1a), 61(1a), and 62(1a).

⁴⁵⁸⁷ *Ibid.*, articles 89(1) and 92.

⁴⁵⁸⁸ *Ibid.*, article 92.

⁴⁵⁸⁹ OHCHR, *11.b. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, 25 May 2000, [online] [cited August 10, 2010]; available from http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&lang=en.

⁴⁵⁹⁰ U.S. Consulate-Johannesburg, *reporting*, February 2, 2010. See also U.S. Consulate-Johannesburg, *reporting*, December 18, 2009, para 3.

⁴⁵⁹¹ U.S. Consulate-Johannesburg, *reporting*, February 2, 2010, para 14.

⁴⁵⁹² *Ibid.*, paras 17 and 18.

⁴⁵⁹³ *Ibid.*, para 17.

⁴⁵⁹⁴ *Ibid.*, para 15.

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⁴⁵⁹⁶ Government of South Africa, *Annual Report of the Department of Labour; 1 April 2009 to 31 March 2010*, Pretoria, 2010, 46-47; available from <http://www.labour.gov.za/documents/annual-reports/annual-reports>.

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⁴⁵⁹⁸ *Ibid.*

⁴⁵⁹⁹ South African Law Reform Commission, *South African Law Reform Commission Project 131: Trafficking in Persons*, Pretoria, August 2008, para 1.11; available from <http://www.justice.gov.za/salrc/reports.htm>.

⁴⁶⁰⁰ UNESCO, *Human Trafficking in South Africa*, 48-49.

⁴⁶⁰¹ South African Law Reform Commission, *South African Law Reform Commission Project 131*, para 1.12. See also U.S. Embassy-Pretoria, *reporting*, February 11, 2010, para 8b.

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⁴⁶⁰³ Government of South Africa, *Understanding the Dimensions of Human Trafficking*, paras 11.2 and 3.9.2.4. See also U.S. Department of State, “Trafficking in Persons Report- 2010: South Africa.”

⁴⁶⁰⁴ ILO-IPEC, *Towards the Elimination of the Worst Forms of Child Labor (TECL), Phase II*, Project Document, Geneva, September 25, 2008, 36-37.

⁴⁶⁰⁵ Government of South Africa, *Child Labour Programme of Action: Phase 2*, 4. See also U.S. Consulate-Johannesburg, *reporting, February 2, 2010*.

⁴⁶⁰⁶ Government of South Africa, *Child Labour Programme of Action: Phase 2*, 95-102.

⁴⁶⁰⁷ U.S. Department of Labor, *Technical Cooperation Project Summary: Development of a National Program of Action to Eradicate Child Labor in South Africa*, accessed August 11, 2010; available from http://www.dol.gov/ilab/map/countries/south_africa.htm. See also U.S. Department of Labor, *Technical Cooperation Project Summary: Reporting on the State of the Nation's Children: A Statistical Program for Advocacy on the Elimination of Child Labor and the Protection of Working Children in the Republic of South Africa*, accessed August 11, 2010; available from http://www.dol.gov/ilab/map/countries/south_africa.htm.

⁴⁶⁰⁸ U.S. Department of Labor, *Technical Cooperation Project Summary: Reducing Exploitive Child Labor Through Education in Southern Africa (Botswana, Lesotho, Namibia, South Africa, and Swaziland)*, accessed August 11, 2010; available from http://www.dol.gov/ilab/map/countries/south_africa.htm.

⁴⁶⁰⁹ Ibid.

⁴⁶¹⁰ U.S. Department of Labor, *Technical Cooperation Project Summary: Supporting the Timebound Program to*

Eliminate the Worst Forms of Child Labor in South Africa, and laying the Basis for Concerted Action Against the Worst Forms of Child Labor in Botswana, Lesotho, Namibia, and Swaziland, accessed August 11, 2010; available from http://www.dol.gov/ilab/map/countries/south_africa.htm.

⁴⁶¹¹ U.S. Department of Labor, *Technical Cooperation Project Summary: Towards the Elimination of the Worst Forms of Child Labor (TECL), Phase II*, accessed August 11, 2010; available from http://www.dol.gov/ilab/map/countries/south_africa.htm.

⁴⁶¹² Government of South Africa, *Situation Analysis of Children in South Africa*, April 2009, 17; available from www.thepresidency.gov.za/docs/pcsa/gdch/situation-analysis.pdf. See also U.S. Consulate-Johannesburg, *reporting, February 2, 2010*, para 61.

⁴⁶¹³ Government of South Africa, *Situation Analysis of Children*, 73.

⁴⁶¹⁴ IOM, *EYE on Human Trafficking*, Pretoria, February 22, 2010, 5; available from <http://iom.org.za/site/>. See also Government of South Africa, *Understanding the Dimensions of Human Trafficking*, ii. See also South African Law Reform Commission, *South African Law Reform Commission Project 131*, paras 1.12 and 1.16.

⁴⁶¹⁵ Government of South Africa, *Situation Analysis of Children*, 99.

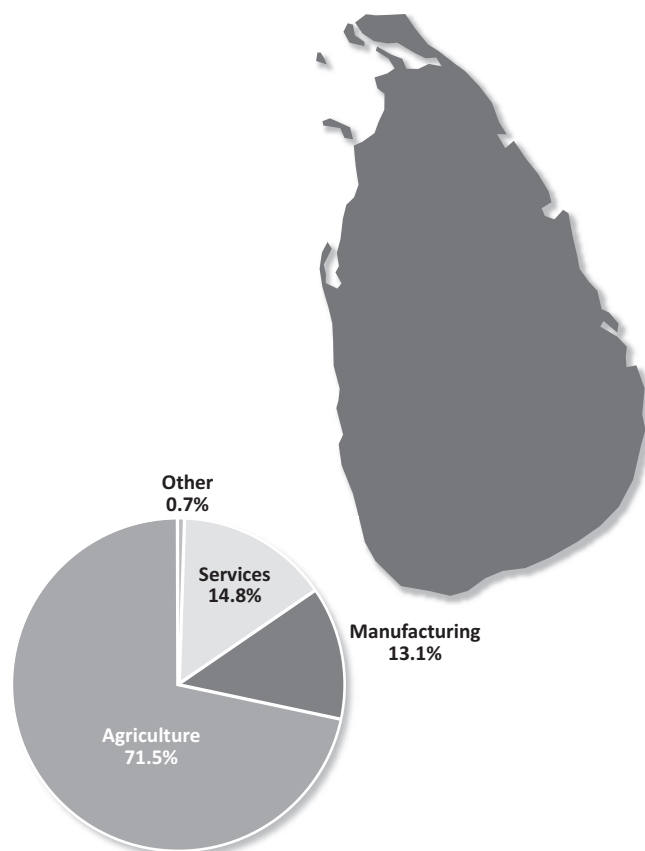
⁴⁶¹⁶ Ibid., 101.

Sri Lanka

The Government of Sri Lanka has taken steps to address some common worst forms of child labor in the country through programs focused on plantation workers and former child soldiers and has published a National Action Plan to Eliminate the Worst Forms of Child Labor by 2016. However, draft regulations specifying occupations prohibited to children have yet to be published. Children continue to be involved in the worst forms of child labor in agriculture.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴⁶¹⁷

Some children in Sri Lanka are exploited in the worst forms of labor, including in agriculture.⁴⁶¹⁸ Some children's work in agriculture could involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and applying harmful pesticides. In some cases children are also employed in domestic service, a largely unregulated sector in which children may work long hours and are vulnerable to physical and sexual abuse.⁴⁶¹⁹

There are also reports that children in Sri Lanka also perform dangerous work in the tile and fishing industries, construction, and mining.⁴⁶²⁰ In tile manufacturing children work long hours, carry heavy loads, and experience breathing problems, fatigue, and body pain.⁴⁶²¹ Children in the fisheries sector work long hours, often at night.⁴⁶²²

Child trafficking is also an issue in Sri Lanka. Children are trafficked to the Middle East and Singapore, where they are subjected to forced labor and sexual

exploitation.⁴⁶²³ Children are also internally trafficked for domestic service, exploitive labor, and commercial sexual exploitation. There are reports of children below the age of 12 being kidnapped to work in fireworks or fish-drying factories.⁴⁶²⁴ Trafficked children often come from rural areas or Internally Displaced Persons (IDP) camps, and some are lured by the promise of employment in the garment industry.⁴⁶²⁵ The prostitution of children is reported to be of concern, particularly in the coastal areas.⁴⁶²⁶ Boys are among those exploited in prostitution.⁴⁶²⁷

In May of 2009, Sri Lanka's 26-year long internal conflict ended. Until that point, children had been involved in both para-military and military activities, including performing a variety of activities for the Liberation Tigers of Tamil Eelam (LTTE), an armed terrorist opposition group.⁴⁶²⁸ From 2003 to May 2009, UNICEF recorded more than 6,000 cases of children recruited by the LTTE. Forced recruitment of children into the LTTE surged in the months prior to the end of the hostilities, and children were used on the frontlines to dig bunkers, collect weapons from killed soldiers, and protect senior leadership.⁴⁶²⁹ Additionally, the pro-

government Tamil Makkai Viduthalai Pulikal (TMVP), a former LTTE faction and registered political party, was reported to recruit, sometimes forcibly, children as soldiers.⁴⁶³⁰ In 2008, the Government of Sri Lanka, TMVP, and the United Nations signed a Tri-Partite Agreement Action Plan to stop the recruitment and arrange for the release of child soldiers.⁴⁶³¹ In May 2009, the Government of Sri Lanka officially declared victory over the LTTE opposition group, the entire leadership of the LTTE was destroyed, and hostilities ceased. The Government has demonstrated its commitment by adopting a zero tolerance policy toward the recruitment of child soldiers and by rehabilitating the child soldiers who were recruited or forcibly conscripted by the LTTE.⁴⁶³²

Laws and Regulations on the Worst Forms of Child Labor

A 1999 amendment to the Employment of Women, Young Persons, and Children Act of 1956 sets the minimum age for employment at 14.⁴⁶³³ A second amendment (2006) sets the minimum age for employment in hazardous work at 18.⁴⁶³⁴ Children ages 14 and 15 may work nine hours per day and children ages 16 and 17 may work ten hours per day.⁴⁶³⁵ The minimum age for employment at sea is 15.⁴⁶³⁶ Children under 14 may be employed by their own parents in agricultural work or as part of training activities.⁴⁶³⁷






The 2006 amendment to the Employment of Women, Young Persons and Children Act of 1956 enabled the Ministry of Labor Relations and Manpower to publish a list of hazardous occupations. Accordingly, the Government of Sri Lanka published a draft list of 49 hazardous occupations, 40 of which were to be unconditionally prohibited and 9 of which were to be conditionally prohibited for children ages 14 to 18.⁴⁶³⁸ In 2009, the Government drafted regulations to prohibit these hazardous forms of child labor, but the draft has not yet been sent to Parliament for approval.⁴⁶³⁹

The Penal Code, Amendment Act No. 16 of 2006, prohibits forced labor, debt bondage, and all forms of slavery.⁴⁶⁴⁰ In addition, the Penal Code prohibits the trafficking of children.⁴⁶⁴¹

The Penal Code, Amendment Acts No. 22 of 1995 and No. 29 of 1998, prohibit sexual violations against children below 18 years, particularly with regards

to child pornography, child prostitution, and the trafficking of children.⁴⁶⁴²

The Penal Code 2006 Amendment also prohibits the recruitment of children below 18 years in armed conflict.⁴⁶⁴³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Child Protection Authority (NCPA) is charged with monitoring and coordinating action to protect children.⁴⁶⁴⁴ This body's mandate includes formulating policies on child abuse and exploitation and coordinating groups that combat them. It also monitors research, coordinates resource mobilization, and monitors implementation of the law and investigations.⁴⁶⁴⁵ This group treats child labor as a form of abuse along with sexual exploitation and child conscription.⁴⁶⁴⁶

The Department of Labor, within the Ministry of Labor Relations and Manpower, and the NCPA are responsible for enforcing child labor laws.⁴⁶⁴⁷ The Department of Labor's labor inspectorate employs 314 labor officers to enforce all labor laws, including those on child labor. In 2009, 240 labor officers, police officers, and probation officers were trained on

child labor issues.⁴⁶⁴⁸ The Department of Labor and the NCPA coordinate efforts with the Women and Children's Bureau of the Sri Lanka Police to enforce child labor laws.

Complaints of child labor violations can be made via two hotlines, one with the Women and Children's Bureau of the Sri Lanka Police and the other with the Ministry of Child Development and Women's Empowerment. During the reporting period, these hotlines received 140 complaints of child labor involving children below 14. Nine led to cases being filed. There is no data available on the number of children removed from labor exploitation, convictions or penalties. However, research suggests it takes approximately two years for child labor cases to be resolved.⁴⁶⁴⁹

The NCPA is the lead agency responsible for preventing child trafficking.⁴⁶⁵⁰ The NCPA operates under the Ministry of Child Development and Women's Empowerment and the Women and Children's Bureau of the Department of Police to enforce child trafficking violations.⁴⁶⁵¹ In 2009, the Sri Lankan Police trained 859 officers on human trafficking issues.⁴⁶⁵²

Complaints of trafficking violations can be made via the Women and Children's Bureau of the Sri Lanka Police and the Ministry of Child and Development and Women's Empowerment. From January to November 2009, there were 38 trafficking investigations by the Women and Children's Bureau of Sri Lanka Police and ten investigations by NCPA, although it is possible that both agencies conducted investigations of the same cases.⁴⁶⁵³ NCPA is reported to have rescued 11 child trafficking victims and conducted 20 arrests. NCPA filed ten cases but it is unknown whether these cases are closed or resolved.⁴⁶⁵⁴

Although the 2006 Penal Code Amendment prohibits the use of child soldiers, no prosecutions are known to have taken place.⁴⁶⁵⁵

Government Policies on the Worst Forms of Child Labor

The Government of Sri Lanka has established policies specifically focusing on child protection and mainstreamed child labor issues into the national development framework. The Government

implemented a National Action Plan (NAP) for Children (2004-2008).⁴⁶⁵⁶ It budgeted \$124.6 million to implement the policy with \$2 million allocated for child labor programs.⁴⁶⁵⁷ A new NAP (2010-2014), prepared by the Ministry of Finance, will also include an action plan to eliminate child labor.⁴⁶⁵⁸ The new NAP has not yet been published.⁴⁶⁵⁹

The Government's key development plan, *Mahinda Chintana* – A Vision for New Sri Lanka (2006-2016) includes government policies on combating child labor.⁴⁶⁶⁰ The policies outlined in *Mahinda Chintana* encourage parents to keep children in school rather than sending them to work. A key part of the *Mahinda Chintana* is the Roadmap to 2016 – From Commitment to Action, Elimination of the Worst Forms of Child Labor, which aims to eliminate the worst forms of child labor by 2016. The road map includes plans for institutional capacity building of programs for planning, delivery and reporting of child labor, awareness raising, resource centers, and integrated enforcement and monitoring systems. To date, the Government has only released a concept note of this plan.⁴⁶⁶¹

The Roadmap also provides social protection for at-risk children and specifically focus on the plantation sector where child labor is prevalent.⁴⁶⁶² To this end, the policy outlines five key strategies for eliminating child labor, including poverty reduction through minimum wage standards and safety networks for migrant workers and their families; strict enforcement of minimum age employment legislation especially in the informal sector; and rehabilitation of child soldiers.⁴⁶⁶³ However, the policy does not lay out specific programs for implementing these initiatives.

The 2007 Youth Employment Policy & National Action Plan also emphasizes access to quality education and recognizes the issue as an important means for addressing child labor.⁴⁶⁶⁴

The Government has also developed policies regarding certain specific types of the worst forms of child labor. The National Plan of Action to Combat Trafficking in Children for Sexual and Labour Exploitation emphasizes reforming and enforcing laws, strengthening institutions, and conducting research, as well as prevention, rescue, protection and reintegration of trafficked children.⁴⁶⁶⁵

In 2009, the Ministry of Disaster Management and Human Rights developed the National Action Plan of the National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka. This policy focuses on both adult and child combatants and targets 15,000 participants.⁴⁶⁶⁶ Its goal is rehabilitation of combatants who need psychosocial support for a period of up to three years. Youth will also be given educational opportunities and access to sports, art, theatre, and music.⁴⁶⁶⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

From 1997 through 2001, Sri Lanka participated in 15 donor-funded projects in support of the National Programme on Child Labor, focusing on the prevention and reintegration of former child workers.⁴⁶⁶⁸ Since 2001, six new programs have been initiated, some specifically targeting child trafficking, child domestic labor, and child soldiers.⁴⁶⁶⁹

Currently, the Ministry of Education (MOE) has programs for vulnerable children working in plantations. These children receive educational services, including additional classes for secondary students in plantation areas.⁴⁶⁷⁰ In the plantation

province of Sabaragamuwa, the ILO collaborates with district governments in a Youth Employment Project which benefits youth at risk of entering worst forms of child labor.⁴⁶⁷¹

Between 2008 and 2009, the Department of Census and Statistics conducted a Child Labor Survey with technical support from the ILO.⁴⁶⁷² The survey is intended to be a key component in preventing worst forms of child labor as it is designed to inform further program and policy initiatives. However, the survey results have yet to be released.⁴⁶⁷³

The Government of Sri Lanka has also created rehabilitation and reintegration programs for former child soldiers.⁴⁶⁷⁴ Specifically, it provided two residential educational and vocational training facilities for 556 child ex-combatants. These facilities offer catch-up education classes and allow family visits to reintegrate the children into the community. Of these ex-combatants, 180 appeared for their grade 11 equivalency exams in December 2009.⁴⁶⁷⁵

The Government Road Map for eliminating the worst forms of child labor specifically targets child trafficking and commercial sexual exploitation, and this effort is headed by the National Child Protection Agency.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Sri Lanka:

IN THE AREAS OF LAWS AND REGULATIONS:

- Approve the draft regulations prohibiting child labor in occupations on the hazardous list.

IN THE AREA OF ENFORCEMENT:

- Prosecute individuals suspected of recruiting and using children in armed conflict In the area of policy:
- Finalize and publish the National Action Plan for Children (2010-2014) and implement its recommendations.
- Finalize specifics regarding programs to be implemented under the Roadmap to 2016 on the Worst Forms of Child Labor in line with the *Mahinda Chintana*.

IN THE AREA OF PROGRAMS:

- Finalize and publish National Child Labour Survey results.
- Establish and/or further continue programs targeting children involved in hazardous work in the agriculture, tile, fishing, domestic service, and commercial sexual exploitation sectors.

⁴⁶¹⁷ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁶¹⁸ ILO-IPEC, *Child Labour and Responses: Sri Lanka*, [September 11, 2009 [cited April 26, 2010]; available from <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipsec/responses/srilanka/index.htm..>

⁴⁶¹⁹ U.S. Department of State, “Sri Lanka,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6d.

⁴⁶²⁰ U.S. Embassy - Colombo, *reporting*, February 8, 2010.. See also University of Colombo Social Policy Analysis & Research Center, *Situation Report on Child Labour*, March 2008 2008.

⁴⁶²¹ Social Policy Analysis & Research Center, *Plantation, Fire-Works Industry, Tile Industry, Coir Industry & Fishery*, 70.

⁴⁶²² *Ibid.*, 102.

⁴⁶²³ U.S. Embassy- Colombo, *reporting*, February 16, 2009, paras 9-12. See also U.S. Embassy- Colombo, *reporting*, February 17, 2010, para. 11.

⁴⁶²⁴ U.S. Embassy- Colombo, *reporting*, February 16, 2009, paras 7, 8, 10, 12. See also U.S. Department of State, “Sri Lanka,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/rls/tiprpt/2010/142761.htm.

⁴⁶²⁵ U.S. Embassy- Colombo, *reporting*, February 16, 2009, para. 12.

⁴⁶²⁶ U.S. Department of State, “Country Reports- 2009: Sri Lanka.”

⁴⁶²⁷ U.S. Embassy- Colombo, *reporting*, February 16, 2009. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Sri Lanka.” See Also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children Sri Lanka*, Bangkok, 2006, 11; available from http://www.ecpat.net/A4A_2005/PDF/South_Asia/Global_Monitoring_Report-SRI_LANKA.pdf.

⁴⁶²⁸ U.S. Embassy - Colombo, *reporting*, June 12, 2009.

⁴⁶²⁹ Coalition to Stop the Use of Child Soldiers, *Sri Lanka Issues Concerning Protection of Children Post Armed Conflict*, July 2009, 1-3; available from <http://www.unhcr.org/refworld/publisher,CSCOAL,,,4a77f93e2,0.html>. See

also UNICEF, *Sri Lanka: More Children Victims of Conflict says UNICEF*, [2009 [cited October 13, 2010]; available from http://www.unicef.org/media/media_48044.html.

⁴⁶³⁰ U.S. Embassy - Colombo, *reporting*, June 12, 2009. See Also Coalition to Stop the Use of Child Soldiers, *Sri Lanka Issues Concerning the Protection of Children Post Armed Conflict*, 6. See Also United Nations Security Council, *Report of the Secretary-General on Children and Armed Conflict of Sri Lanka*, June 25, 2009; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/351/86/PDF/N0935186.pdf?OpenElement>.

⁴⁶³¹ U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶³² *Ibid.*

⁴⁶³³ ILO IPEC, *National Legislation and Policies Against Child Labour in Sri Lanka* [September 11, 2009 [cited April 26, 2010]; available from <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipsec/responses/srilanka/national.htm>.

⁴⁶³⁴ *Employment of Women, Young Persons and Children (Amendment) Act, No. 24 of 2006*, (August 21, 2006), 2. 20A. (1).

⁴⁶³⁵ U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶³⁶ Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act of 1956* No. 47 (November 7, 1956), part II, 9.(1); available from <http://www.labourdept.gov.lk/Legislations/Emplof%20WomYouPersonsChi.pdf>. See also U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶³⁷ Government of Sri Lanka, *Employment of Women, Young Persons, and Children Act of 1956*.

⁴⁶³⁸ U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶³⁹ *Ibid.*

⁴⁶⁴⁰ Government of Sri Lanka, *Penal Code (Amendment), 2006 Act No. 16*, (April 24, 2006).

⁴⁶⁴¹ U.S. Department of State, “Country Reports- 2009: Sri Lanka.”

⁴⁶⁴² Government of Sri Lanka, *Penal Code (Amendment), 1995*, Act No. 22, (October 31, 1995), Government of Sri Lanka, *Penal Code (Amendment), 1998*, Act No. 29, (June 6, 1998).

⁴⁶⁴³ U.S. Embassy - Colombo, *reporting*, February 8, 2010.

⁴⁶⁴⁴ U.S. Department of State, “Sri Lanka,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010.

⁴⁶⁴⁵ National Child Protection Authority, *National Child Protection Authority: Children are like Flowers, They Bruise Easily, Stop Cruelty to Children*, [online] [cited July 16, 2010]; available from <http://www.childprotection.gov.lk/home.html>.

⁴⁶⁴⁶ *Ibid.*].

⁴⁶⁴⁷ U.S. Embassy - Colombo, *reporting, February 8, 2010.*

⁴⁶⁴⁸ Ibid.

⁴⁶⁴⁹ Ibid.

⁴⁶⁵⁰ Ibid.

⁴⁶⁵¹ U.S. Embassy - Colombo, *reporting, February 17, 2010.*

⁴⁶⁵² U.S. Embassy- Colombo, *reporting, February 17, 2010, 9.*

⁴⁶⁵³ U.S. Embassy - Colombo, *reporting, February 8, 2010.*

⁴⁶⁵⁴ Ibid.

⁴⁶⁵⁵ Coalition to Stop the Use of Child Soldiers, *Sri Lanka Issues Concerning the Protection of Children Post Armed Conflict*, 8.

⁴⁶⁵⁶ U.S. Embassy - Colombo, *reporting, February 8, 2010.*

⁴⁶⁵⁷ National Planning Department, *National Plan of Action for the Children of Sri Lanka, 2004-2008*, Government of Sri Lanka Ministry of Finance and Planning, Colombo, 2004, 125-126; available from http://www.humanitarianinfo.org/srilanka/docs/National_Plan.pdf.

⁴⁶⁵⁸ U.S. Embassy - Colombo, *reporting, February 8, 2010.*

⁴⁶⁵⁹ Ibid.

⁴⁶⁶⁰ Ibid.

⁴⁶⁶¹ U.S. Embassy - Colombo, Email Communication to USDOL Official USDOL Official, November 11, 2010.

⁴⁶⁶² IPEC, *National Legislation and Policies Against Child Labour in Sri Lanka*

⁴⁶⁶³ Department of National Planning Ministry of Finance and Planning, *Mahinda Chintana: Vision for a New Sri*

Lanka A Ten Year Horizon Development Framework 2006-2016, 2006; available from www.treasury.gov.lk/docs/MahindaChintanaTenYearDevelopmentPlan.pdf.

⁴⁶⁶⁴ IPEC, *National Legislation and Policies Against Child Labour in Sri Lanka*

⁴⁶⁶⁵ ECPAT International, *Global Monitoring Report: Sri Lanka*, 16.

⁴⁶⁶⁶ Ministry of Disaster Management and Human Rights, *National Action Plan of the National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka*, October, 2009, 9; available from http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-colombo/documents/publication/wcms_117302.pdf.

⁴⁶⁶⁷ Ibid., 14.

⁴⁶⁶⁸ ILO- IPEC, [online] IPEC Action in Sri Lanka [cited July 29, 2010]; available from <http://www.ilo.org/legacy/english/regions/asro/newdelhi/ipec/responses/srilanka/action.htm>.

⁴⁶⁶⁹ Ibid.].

⁴⁶⁷⁰ U.S. Embassy - Colombo, *reporting, February 8, 2010.*

⁴⁶⁷¹ Ibid.

⁴⁶⁷² ILO-Colombo, *Child Labor*, [online] 2009 [cited July 29, 2010]; available from http://www.ilo.org/colombo/areasofwork/lang--en/WCMS_DOC_COL_ARE_CHL_EN/index.htm.

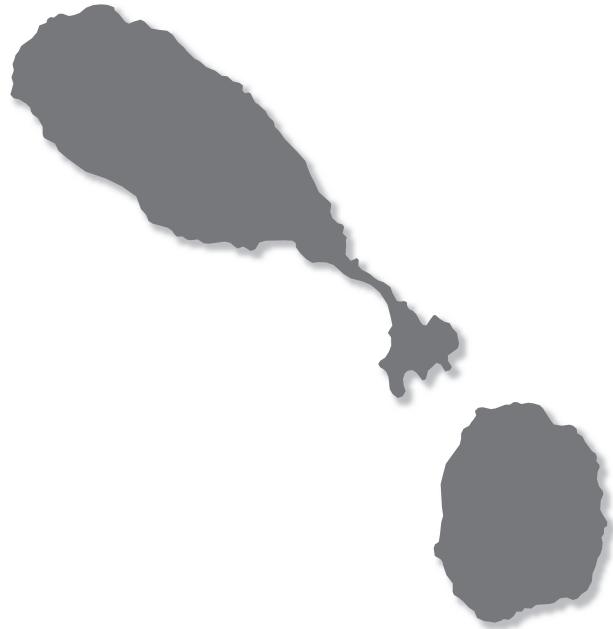
⁴⁶⁷³ Ibid.].

⁴⁶⁷⁴ U.S. Embassy - Colombo, *reporting, February 8, 2010.*

⁴⁶⁷⁵ Ibid.

St. Kitts and Nevis

Saint Kitts and Nevis does not appear to have a significant child labor problem; however, children work in agriculture and as domestic servants may be vulnerable to worst forms abuses. Gaps in legislation do not adequately protect some children from being employed in hazardous conditions.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴⁶⁷⁶


Children in Saint Kitts and Nevis may be vulnerable to the worst forms of child labor, particularly in agriculture where they assist with livestock farming and vegetable production.⁴⁶⁷⁷ Children's work in agriculture commonly involves the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides.

Children are also found working as domestic servants in other households, which is an acceptable practice in the Saint Kitts and Nevis society.⁴⁶⁷⁸ Child domestic labor commonly involves long hours of work and exposes children to risks of physical and sexual exploitation by their employer.

Laws and Regulations on the Worst Forms of Child Labor

The Employment of Women, Young Persons, and Children Act, and the Employment of Children (Restriction) Ordinance, as amended by Act. No 19 of 2002 set the minimum age for employment at 16, including for admission to employment that is likely to harm their health, safety, or morals.⁴⁶⁷⁹ Children

ages 16 and 17 appear to lack legal protection from employment in hazardous conditions.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	16
	Free Public Education	Yes

The Constitution explicitly prohibits forced or slave labor.⁴⁶⁸⁰ Trafficking is also prohibited and

criminalized by a comprehensive anti-trafficking legislation enacted in August 2008.⁴⁶⁸¹ The penalties for any elements of trafficking offenses, including controlling and restricting movement of a person, range from 20 years to life in prison.⁴⁶⁸²

Violators procuring children for prostitution may also be prosecuted under the Probation and Child Welfare Board Act, 1994 which prohibits non-accidental injury to be inflicted on a child by a caretaker, including sexual abuse or activities of a sexual nature.⁴⁶⁸³

Institutional Mechanisms for Coordination and Enforcement

Although the worst forms of child labor do not appear to be significant, research found no evidence that the Government of Saint Kitts and Nevis has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Labor is the lead agency responsible for the enforcement of laws regarding the worst forms of child labor. It has 11 labor inspectors responsible for investigating all labor violations, including those related to children.⁴⁶⁸⁴ During recent years, there have been no reported complaints, inspections, prosecutions or violations related to the worst forms of child labor in Saint Kitts and Nevis.⁴⁶⁸⁵

The police force takes the lead in any trafficking investigation and refers suspected cases of child trafficking to the Ministry of Social Development which oversees child abuse cases.⁴⁶⁸⁶ There have been no investigations conducted or cases prosecuted.⁴⁶⁸⁷

Government Policies on the Worst Forms of Child Labor

While the worst forms of child labor do not appear to be a significant problem in Saint Kitts and Nevis, research found no evidence that the Government has established a policy framework to combat the existing worst forms of child labor, including children working as domestic servants and children assisting in agriculture.⁴⁶⁸⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence of any programs to address child labor. However, the Government has participated in two IOM seminars on human trafficking, including a seminar for Caribbean law enforcement officials and a seminar on Mixed Migratory Flows in the Caribbean.⁴⁶⁸⁹ Topics covered included identification of victims, interview techniques, direct assistance, child trafficking, and a review of national responses.⁴⁶⁹⁰

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Saint Kitts and Nevis:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend current laws to increase the minimum age for hazardous employment to 18 and to define work that is hazardous for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor.

⁴⁶⁷⁶ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁶⁷⁷ U.S. Embassy- Bridgetown, *reporting*, February 5, 2010, section 1.

⁴⁶⁷⁸ Ibid. See also U.S. Department of State, “Saint Kitts and Nevis,” in *Country Reports on Human Rights Practices - 2009*, Washington, D.C., March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136124.htm>.

⁴⁶⁷⁹ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Kitts and Nevis (ratification: 2000) Submitted: 2009*, [on line] [cited July 1, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23539&chapter=9&query=Saint+Kitts%40ref&highlight=&querytype=bool&context=0>.

⁴⁶⁸⁰ Federation of Saint Kitts and Nevis, *The Saint Christopher and Nevis Constitution Order 1983*, 1983;

available from <http://pdba.georgetown.edu/constitutions/kitts/kitts83.html>.

⁴⁶⁸¹ U.S. Department of State, “Saint Kitts and Nevis,” in *Country Reports on Human Rights Practices - 2008*, Washington, D.C., February 25, 2009; available from <http://www.state.gov/g/drl/rls/rls/hrrpt/2009/wha/136124.htm>. See also IOM, “Counter-Trafficking Activities in St. Kitts and Nevis An Overview of 2008,” (2009); available from <http://www.iom.int/unitedstates/ct/PDFs/Building%20Capacity/2008/St.%20Kitts%20and%20Nevis-%20Activities%20Summary%202008.pdf>.

⁴⁶⁸² U.S. Department of State, “Country Reports- 2009: Saint Kitts and Nevis.”

⁴⁶⁸³ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Kitts and Nevis (ratification: 2000) 2009*.

⁴⁶⁸⁴ U.S. Embassy- Bridgetown, *reporting*, February 5, 2010.

⁴⁶⁸⁵ Ibid.

⁴⁶⁸⁶ Ibid.

⁴⁶⁸⁷ Ibid.

⁴⁶⁸⁸ Ibid.

⁴⁶⁸⁹ IOM, “Counter-Trafficking Activities in St. Kitts and Nevis An Overview of 2008.”

⁴⁶⁹⁰ Ibid.

St. Lucia

The Government of Saint Lucia has strengthened its legal framework by enacting a new anti-trafficking law. However, gaps remain in its efforts to protect children from the worst forms of child labor, in particular regarding the minimum age for work law, and in data collection and research. Although there is limited information on the prevalence of hazardous child labor, there are reports that children work in the banana harvest and the informal sector. It is not clear whether the lack of evidence of the worst forms of child labor is indicative of a small problem, or a hidden one.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Although there is limited information on the prevalence of the worst forms of child labor in Saint Lucia,⁴⁶⁹¹ there are reports that children in rural areas help harvest bananas where they may be at risk of carrying heavy loads and exposure to harmful pesticides.⁴⁶⁹²

The Government has indicated that child labor appears to be an issue in the informal sector, although additional details on the specific types of work are unavailable.⁴⁶⁹³

Laws and Regulations on the Worst Forms of Child Labor






The Employment of Women, Young Persons, and Children Law, Saint Lucia Revised Ordinances of 1957 sets the minimum age for employment at 14.⁴⁶⁹⁴ In 2006, the Government proposed Labour Code No. 37, to increase the minimum age for employment to age 15 years.⁴⁶⁹⁵ The legislation has not been enacted by Parliament.⁴⁶⁹⁶

The Education Act No. 41 of 1999 makes it an offense to employ a child between the ages of 5 and 15 during the school year.⁴⁶⁹⁷ The Occupational Health and Safety Act prohibits the employment of persons under age 18 in industrial undertakings.⁴⁶⁹⁸ It also lists certain types of work that are prohibited.⁴⁶⁹⁹ However, it is unclear whether or not there are prohibitions in hazardous work in other sectors of the economy.

The Constitution prohibits slavery, servitude, or forced labor.⁴⁷⁰⁰

The Criminal Code bans the procurement of any male or female under age 18 for prostitution or for the purpose of sexual relations.⁴⁷⁰¹ In 2010, the Government enacted the Counter-Trafficking Act No. 7 to define hostage taking, migrant smuggling, participation in organized criminal group and sexual exploitation of children as offenses.⁴⁷⁰² The Counter-Trafficking Act is intended to give effect to implementation of the Protocol to Prevent, Suppress, and Punish trafficking in persons.⁴⁷⁰³

Saint Lucia does not have a military force. Instead, the police force is responsible for the security of the country. The minimum age for recruitment to the police force is 18.⁴⁷⁰⁴

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Saint Lucia has established a coordinating mechanism to address child labor in agriculture or the informal sector. The Government of Saint Lucia has established a National Coalition against Trafficking in Persons consisting of the Gender Relations Divisions, the Human Services Division, the Police, and the Immigration Service.⁴⁷⁰⁵

The Department of Labor of the Ministry of Labor Relations, Public Service, and Cooperatives is responsible for enforcing child labor statutes.⁴⁷⁰⁶ The Government has seven labor inspectors to cover all

aspects of labor violations including child labor.⁴⁷⁰⁷

These inspectors conduct spot investigations and check records to verify compliance with the law. Inspectors are empowered to take legal action against employers found to have employed underage workers. There have been no cases filed to date.⁴⁷⁰⁸

Anti-trafficking enforcement is among the responsibilities of the Police Department. It refers suspected cases of child trafficking to the Child Welfare Board, which oversees child abuse cases.⁴⁷⁰⁹

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government of Saint Lucia has any policies to specifically address the worst forms of child labor.⁴⁷¹⁰ However, the Government has recognized the need to conduct solid research and statistical analysis to obtain more information on the prevalence of the worst forms of child labor; such research has not been undertaken to date.⁴⁷¹¹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Although the Government of Saint Lucia has implemented programs to address trafficking of children, research found no evidence that it has carried out programs to assist children involved in agriculture or the informal sector. The Government works with organizations such as the Organization of American States (OAS), the Inter-American Commission of Women, and IOM to address, prevent, and combat the issue of trafficking in persons.⁴⁷¹² In 2010, the Government of Saint Lucia participated in an OAS training to increase awareness of trafficking among enforcement agencies.⁴⁷¹³ The program trained 40 Saint Lucian law enforcement officials in areas such as distinction between trafficking and smuggling as well as victim identification and assistance and protection.⁴⁷¹⁴

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Saint Lucia:

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the minimum age for work to 15.
- Ensure prohibitions on hazardous work in sectors other than industrial undertakings.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor, including hazardous child labor in agriculture and the informal sector.

IN THE AREA OF POLICIES:

- Conduct a comprehensive study to assess the nature and extent of worst forms of child labor in the country.

IN THE AREA OF PROGRAMS:

- Use the results of the study on the worst forms of child labor to assess the need for social programs to assist children working in agriculture and the informal sector.

⁴⁶⁹¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁶⁹² U.S. Department of State, “Saint Lucia,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136125.htm>. See also UNICEF, *A Study of Child Vulnerability in Barbados, St. Lucia and St. Vincent and the Grenadines*, November 2006; available from http://www.unicef.org/barbados/cao_resources_vulnerability.pdf.

⁴⁶⁹³ ILO Programme for the Promotion of the Declaration, *Country Baseline Under the ILO Declaration Annual Review (2000-2010): Saint Lucia*, 2010; available from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_cl_lca.pdf.

⁴⁶⁹⁴ Ibid.

⁴⁶⁹⁵ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Lucia (ratification: 2000)*, [online] 2010 [cited July 13, 2010]; available from <http://bravo.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25301&chapter=9&query=Saint+Lucia%40ref>

[f&highlight=&querytype=bool&context=0](http://bravo.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25301&chapter=9&query=Saint+Lucia%40ref&highlight=&querytype=bool&context=0). See also ILO Declaration Experts and ILO Governing Body, *The Effective Abolition of Child Labor: Country Baseline Under the ILO Declaration Annual Review (2000 - 2010) Saint Lucia*, 2010; available from http://natlex.ilo.ch/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_091263.pdf.

⁴⁶⁹⁶ ILO Declaration Experts and ILO Governing Body, *Saint Lucia*. See also M. G. George, “Labour Code to be implemented,” *The voice*, April 20th, 2010; available from http://www.thevoiceslu.com/local_news/2010/april/20_04_10/Labour_Code_to_be_implemented.htm.

⁴⁶⁹⁷ ILO Programme for the Promotion of the Declaration, *Country Baseline: Saint Lucia*. See also Government of Saint Lucia, *Education Act No. 41 of 1999*; available from <http://planipolis.iiep.unesco.org/upload/Saint%20Lucia/Saint%20Lucia%20Education%20Act%201999.pdf>.

⁴⁶⁹⁸ ILO Declaration Experts and ILO Governing Body, *Saint Lucia*. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Lucia (ratification: 2000) Submitted: 2010*, [online] [cited July 13, 2010]; available from <http://bravo.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25301&chapter=9&query=Saint+Lucia%40ref&highlight=&querytype=bool&context=0>

⁴⁶⁹⁹ ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Lucia (ratification: 2000) 2010*.

⁴⁷⁰⁰ Government of Saint Lucia, *The Saint Lucia Constitution Order of 1978*; available from <http://pdpa.georgetown.edu/>

Constitutions/Lucia/Luc78.html.

⁴⁷⁰¹ Government of Saint Lucia, *Criminal Code*, 2004.

⁴⁷⁰² Caribbean Financial Action Task Force, *Mutual Evaluation of Saint Lucia: First Follow-up Report*, May 27, 2010; available from [http://www.cfatf-gafic.org/downloadables/Follow-Up_reports/Saint_Lucia_1st_Follow-up_Report_\(Final\)_English.pdf](http://www.cfatf-gafic.org/downloadables/Follow-Up_reports/Saint_Lucia_1st_Follow-up_Report_(Final)_English.pdf). See also Government of Saint Lucia, *Report to the 11th Session of the Regional Conference on Women in Latin America and the Caribbean*, June 2010; available from <http://www.eclac.org/mujer/noticias/paginas/6/38906/SaintLucia.pdf>.

⁴⁷⁰³ Caribbean Financial Action Task Force, *Mutual Evaluation of Saint Lucia*.

⁴⁷⁰⁴ Coalition to Stop the Use of Child Soldiers, “Saint Lucia,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also ILO Committee of Experts, *Individual Direct Request C182: Saint Lucia (2010)*.

⁴⁷⁰⁵ U.S. Department of State, “Country Reports- 2009: Saint

Lucia.”

⁴⁷⁰⁶ U.S. Embassy- Bridgetown, *reporting*, February 5, 2010.

⁴⁷⁰⁷ Ibid.

⁴⁷⁰⁸ Ibid.

⁴⁷⁰⁹ Ibid.

⁴⁷¹⁰ U.S. Department of State, “Country Reports- 2009: Saint Lucia.”

⁴⁷¹¹ ILO Programme for the Promotion of the Declaration, *Country Baseline: Saint Lucia*.

⁴⁷¹² Government of Saint Lucia, *Report to the 11th Session of the Regional Conference on Women in Latin America and the Caribbean*.

⁴⁷¹³ Caribbean Net News, “OAS to train officials in St. Lucia and St. Vincent to combat trafficking in persons,” (2010); available from <http://www.caribbeannetnews.com/news-23106--38-38--.html>.

⁴⁷¹⁴ Ibid.

St. Vincent and the Grenadines

Saint Vincent and the Grenadines does not appear to have a significant child labor problem; however, children are found working in agriculture and are possibly victims of commercial sexual exploitation. Significant gaps in the law and a lack of policy to combat the worst forms of child labor provide insufficient protection, which result in children being vulnerable to exploitation.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴⁷¹⁵

In Saint Vincent and the Grenadines, some children are found working in the worst forms of child labor, mainly in the harvesting of bananas on farms where they may be at risk of carrying heavy loads and applying harmful pesticides.⁴⁷¹⁶






There have been unsubstantiated reports of a small number of trafficking victims, including children who are trafficked internally for the purposes of commercial sexual exploitation. However, the full extent of trafficking in Saint Vincent and the Grenadines is unknown.⁴⁷¹⁷

Laws and Regulations on the Worst Forms of Child Labor

The Employment of Women, Young Persons and Children (EWYP) Act, sets the minimum age for employment, including hazardous work, at 14.⁴⁷¹⁸ Children below the age of 18 are prohibited from being employed at night.⁴⁷¹⁹

The Act also authorizes the Governor-General to establish regulations regarding the health, welfare, and safety of young persons and children; however,

regulations do not exist to prohibit specific occupations or conditions hazardous for children.⁴⁷²⁰

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓ (a)
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	16
	Free Public Education	Yes

The Constitution of Saint Vincent and the Grenadines prohibits forced or slave labor.⁴⁷²¹ There are no laws that specifically address trafficking, though related



offences may be prosecuted under provisions in the Penal Code. For example, kidnapping or detaining a woman against her will for the purpose of prostitution is an offense punishable with up to 14 years in prison.⁴⁷²²

A person convicted of causing or encouraging the prostitution of children under the age of 15 may be incarcerated for up to 7 years.⁴⁷²³

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Saint Vincent and the Grenadines has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Labor is responsible for the enforcement of child labor laws.⁴⁷²⁴ Within the Ministry, there are five officers responsible for monitoring all labor issues and complaints including child labor. During the reporting period, no inspections were conducted related to child labor nor were there any reports of child labor complaints.⁴⁷²⁵

The Police Force is responsible for investigating trafficking in persons cases and referring the cases to the Ministry of Social Development.⁴⁷²⁶

Government Policies on the Worst Forms of Child Labor

Although the worst forms of child labor do not appear to be substantial in Saint Vincent and the Grenadines, research found no evidence of any policies to address existing child labor, including children working in agriculture and trafficked for commercial sexual.⁴⁷²⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, the Children Against Poverty bridging program was launched with a total of 56 participating primary schools to develop children's skills through a fun-filled curriculum.⁴⁷²⁸ A team of over 200 trained personnel including teachers, Ministry Officials, Police Officers, and Community Health Officers were the facilitators. The project goal was to use education as a means of breaking the cycle of poverty.⁴⁷²⁹ The Ministry of Education also operates five Multi-purpose Centers offering full-time technical/vocational education to children age 15-17 to prevent school dropouts.⁴⁷³⁰ The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Saint Vincent and Grenadines:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Employment of Women, Young Persons, and Children Act to make 18 the minimum age for engaging in hazardous work.
- Issue regulations to define a list of hazardous occupations and working conditions prohibited to children under the age of 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor, particularly in agriculture.

IN THE AREA OF POLICIES:

- Conduct a rigorous study to assess whether the worst forms of child labor are indicative of a small problem or of a hidden problem that requires further follow up.
- Use the information obtained from the study to develop a national plan of action to address the worst forms of child labor, particularly for children in agriculture.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have on addressing the worst forms of child labor.

⁴⁷¹⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁴⁷¹⁶ U.S. Embassy- Bridgetown, *reporting*, February 05, 2010.

⁴⁷¹⁷ U.S. Department of State, “St. Vincent and the Grenadines (Tier 2 Watch List),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>.

⁴⁷¹⁸ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Saint Vincent and the Grenadines (ratification: 2006) Submitted: 2010*, [on line] [cited September 3, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=24850&chapter=9&query=Saint+Vincent+and+the+Grenadines%40ref&highlight=&querytype=bool&context=0>. See also International Trade Union Confederation (ITUC), *Internationally Recognised Core Labour Standards in the Organisation of Eastern Caribbean States (OECS)*, Geneva, 2007; available from http://www.ituc-csi.org/IMG/pdf/OECS_report_final_carr_EN.pdf.

⁴⁷¹⁹ ILO Committee of Experts, *Individual Direct Request, Minimum Age Convention, 1973 (No. 138) Saint Vincent and the Grenadines (ratification: 2006) 2010*

⁴⁷²⁰ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Saint Vincent and the Grenadines (ratification: 2001) Submitted: 2010*, [on line] [cited September 7, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25353&chapter=9&query=Saint+Vincent+and+the+Grenadines%40ref&highlight=&querytype=bool&context=0>.

⁴⁷²¹ *Constitution of Saint Vincent and the Grenadines*, 1979; available from <http://pdba.georgetown.edu/Constitutions/Vincent/Stvincent79.html>.

⁴⁷²² Government of Saint Vincent and the Grenadines, *Criminal Code of Saint Vincent and the Grenadines*.

⁴⁷²³ U.S. Department of State, “Trafficking in Persons Report- 2009.” See also Government of Saint Vincent and the Grenadines, *Criminal Code of Saint Vincent and the Grenadines*.

⁴⁷²⁴ U.S. Embassy- Bridgetown, *reporting*, February 05, 2010.

⁴⁷²⁵ U.S. Department of State, “Saint Vincent and the Grenadines,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136126.htm>. See also U.S. Embassy- Bridgetown, *reporting*, February 05, 2010.

⁴⁷²⁶ U.S. Embassy- Bridgetown, *reporting, February 05, 2010*.

⁴⁷²⁷ Ibid.

⁴⁷²⁸ NBC Radio - SVG, *CAP Bridging Program Officially Launched Today*, [2010 [cited September 7, 2010]; available from <http://www.nbcsvg.com/profiles/blogs/cap-bridging-program>.

⁴⁷²⁹ Ibid.].

⁴⁷³⁰ UNICEF, *A Study of Child Vulnerability in Barbados, St. Lucia and St. Vincent and the Grenadines*, November 2006; available from http://www.unicef.org/barbados/cao_resources_vulnerability.pdf.

Suriname

The Government of Suriname has strengthened legislation against commercial sexual exploitation of children. Nevertheless, the worst forms of child labor in Suriname continue in the agricultural sector. Gaps remain in the enforcement of child labor laws and establishment of policies and social programs to eliminate the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴⁷³¹





Children in Suriname are exploited in the worst forms of child labor, particularly in agriculture. Children harvest fruit and rice where they may work with dangerous tools, risk exposure to pesticides and chemical fertilizers, and carry heavy loads. Children are also employed in fishing, where they are exposed to risks of drowning, injury, and use of sharp tools. Children also work in mining and logging.⁴⁷³²

Children are also involved in prostitution and are trafficked both internally, particularly between Paramaribo and mining camps in Suriname's interior and across the country's borders.⁴⁷³³ Adolescent girls are most likely to be trafficked for sex.⁴⁷³⁴

Laws and Regulations on the Worst Forms of Child Labor

Suriname's Labor Code of 1963 sets the minimum age for employment at 14⁴⁷³⁵ and prohibits children under the age of 18 from performing hazardous work.⁴⁷³⁶ Children age 14 to 17 are prohibited from working between 7:00 p.m. and 6:00 a.m.⁴⁷³⁷ Minors under the age of 15 are not allowed to work on boats.⁴⁷³⁸

The Safety Act prohibits young persons under the age of 18 from engaging in work activities that may be injurious to their health and safety.⁴⁷³⁹ The Preparatory Working Group of the National Commission on Child Labour (PWGCCL) created a draft decree containing a list of hazardous work prohibited to children.⁴⁷⁴⁰ However, this draft has not yet been adopted by the Surinamese Government.

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Article 15 of the Constitution bans forced labor.⁴⁷⁴¹ Article 307 of the Penal Code prohibits trafficking in persons.⁴⁷⁴² Prostitution is illegal,⁴⁷⁴³ and in July 2009, the Criminal Code was amended with specific penalties against child prostitution and a prohibition on child pornography, including a minimum of ten years imprisonment.⁴⁷⁴⁴

School is compulsory until the age of 12, but children cannot legally work until the age of 14. Children between these ages are vulnerable to the worst forms of child labor.

Institutional Mechanisms for Coordination and Enforcement

In November 2009, the National Commission for the Eradication of Child Labor (NCECL) was established by the Preparatory Working Group of the Commission on Child Labour (PWGCCL). The NCECL recommends additional laws and improves those that already exist in order to ensure accordance with international labor standards, including on the worst forms of child labor.⁴⁷⁴⁵ The Commission consists of officials from the ministries of labor, social affairs, and education, and individuals from labor unions, NGOs, and the private sector.⁴⁷⁴⁶ The Anti-trafficking Working Group is led by the Chief Prosecutor and coordinates the Government's anti-trafficking efforts. This body also works with other countries in the region for this purpose.⁴⁷⁴⁷

The Ministry of Justice and Police (MJP) and Ministry of Labor, Technology and Environment (MLTE) are jointly responsible for enforcement of child labor and related laws.⁴⁷⁴⁸ The Youth Affairs Police is also responsible for issues relating to any persons under the age of 18.⁴⁷⁴⁹

The Ministry of Labor, Technology and Environment's Department of Labor Inspection has 75 inspectors and 25 more new inspectors in training.⁴⁷⁵⁰ The Department of Labor Inspection is responsible for workplace inspections for issues of health and safety conditions and child labor, and inspector visits were carried out within the private sector, primarily in urban areas.⁴⁷⁵¹ The police generally have responsibility for investigating worst forms of child labor issues in the informal sector.⁴⁷⁵²

The Special Anti-trafficking Police Unit (a six-person unit) raids brothels twice a month to determine whether minors are being trafficked or involved in prostitution.⁴⁷⁵³ The Trafficking in Persons Police Unit (TIPPU) investigates reports and allegations of trafficking in persons, including those involving children.⁴⁷⁵⁴ A child trafficking case is usually resolved within 6 to 9 months.⁴⁷⁵⁵ Children who have been trafficked are typically referred to the Foundation Against Trafficking in Persons, which is a private organization comprised of local NGOs that provides shelter services for trafficked victims.⁴⁷⁵⁶

There were three convictions for trafficking in minors during the reporting period.⁴⁷⁵⁷ However, the sentences of two years, 1.5 years, and 9 months respectively were not equivalent to the Penal Code standard of 5 to 20 years imprisonment for trafficking in persons for sexual exploitation and for labor exploitation and the sentences were not fully served.⁴⁷⁵⁸

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor.⁴⁷⁵⁹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Suriname participated in a regional project to combat the worst forms of child labor in the Caribbean, which was funded by the Government of Canada.⁴⁷⁶⁰ The project's outcomes included a sub-regional workshop on combating child labor in indigenous communities in Suriname and the formation of a national steering committee on child labor.⁴⁷⁶¹ Although the Government of Suriname participated in a regional project to address the worst forms of child labor, research found no evidence that it has carried out programs to assist children in agriculture specifically.

The Ministry of Social Affairs administers a welfare and daycare system for indigent children to prevent them from seeking employment.⁴⁷⁶² Vocational programs have also been supported by the government to provide dropouts and older children with an alternative to child labor. The Ministry of Education

and Community Development (MOECD) requested a reformulation of the Program for Improving Basic Education, which was implemented in 2004.⁴⁷⁶³ Funded by a loan from the Inter-American Development Bank, the project aims to improve basic education and reduce student dropout rates in Suriname's education system. The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.⁴⁷⁶⁴

Suriname also took part in a regional initiative to raise awareness of trafficking in persons, funded by IOM.⁴⁷⁶⁵ The Maxi Linder Foundation, an NGO funded by the Government, provides resources for victims of trafficking for prostitution, including children.⁴⁷⁶⁶ The Child and Youth Hotline, called the "1-2-3 Hotline," is a simple number that children can dial to report instances of abuse and trafficking.⁴⁷⁶⁷

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Suriname:

IN THE AREA OF LAWS AND REGULATIONS:

- Define hazardous types of work prohibited to children through adoption and publication of the draft hazardous decree.
- Raise the compulsory education age to 14, the established minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that those convicted for trafficking children for sexual exploitation and labor exploitation are given the appropriate punishment equivalent to the Penal Code standard.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Assess the impact that existing programs may have in addressing the worst forms of child labor.
- Expand and develop social programs to assist children engaged in or at risk of entering the worst forms of child labor, in particular children working in agriculture.

⁴⁷³¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

⁴⁷³² U.S. Embassy- Paramaribo, *Trafficking in Persons reporting*, February 19, 2010.

⁴⁷³³ U.S. Department of State, "Suriname," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>.

⁴⁷³⁴ U.S. Embassy- Paramaribo, *Trafficking in Persons reporting*, February 19, 2010.

⁴⁷³⁵ Clive Pegus, "A Review of Child Labour Laws of Suriname- A Guide to Legislative Reform," *ILO Subregional Office for the Caribbean* (June 2005).

⁴⁷³⁶ Ibid.

⁴⁷³⁷ U.S. Embassy- Paramaribo, *reporting*, February 19, 2010.

⁴⁷³⁸ Ibid.

⁴⁷³⁹ Clive Pegus, "A Review of Child Labour Laws of Suriname- A Guide to Legislative Reform."

⁴⁷⁴⁰ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No.182) Suriname (ratification: 2006)*, [online] 2010 [cited August 10, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=25337&chapter=9&query=Suriname%40ref&highlight=&querytype=bool&context=0>.

⁴⁷⁴¹ Government of Suriname, *Constitution of the Republic of Suriname*, (October 30, 1987); available from <http://pdba.georgetown.edu/Constitutions/Suriname/english.html>.

⁴⁷⁴² Clive Pegus, “A Review of Child Labour Laws of Suriname- A Guide to Legislative Reform.”

⁴⁷⁴³ U.S. Department of State, “Suriname,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136127.htm>.

⁴⁷⁴⁴ Ibid. See also U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.

⁴⁷⁴⁵ Ibid.

⁴⁷⁴⁶ U.S. Department of State, “Country Reports- 2009: Suriname.”

⁴⁷⁴⁷ Ibid.

⁴⁷⁴⁸ U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.

⁴⁷⁴⁹ Ibid.

⁴⁷⁵⁰ Ibid.

⁴⁷⁵¹ U.S. Department of State, “Country Reports- 2009: Suriname.”

⁴⁷⁵² Ibid.

⁴⁷⁵³ Ibid.

⁴⁷⁵⁴ U.S. Embassy- Paramaribo, *Trafficking in Persons reporting, February 19, 2010*. See also U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.

⁴⁷⁵⁵ U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.

⁴⁷⁵⁶ U.S. Department of State, “Country Reports- 2009: Suriname.” See also ILO Committee of Experts, *Direct Request C182: Suriname (2010)*.

⁴⁷⁵⁷ U.S. Embassy- Paramaribo, *reporting, February 19, 2010*. See also U.S. Department of State, “Country Reports- 2009: Suriname.”

⁴⁷⁵⁸ U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.

⁴⁷⁵⁹ U.S. Embassy- Paramaribo, *reporting, March 3, 2009*.

⁴⁷⁶⁰ ILO, *ILO in the Caribbean Projects Archive*, [online] July 27, 2009 [cited August 11, 2010]; available from http://www.ilocarib.org.tt/portal/index.php?option=com_content&task=view&id=1116&Itemid=1015#clcaribbean. See also ILO-IPEC Geneva official, E-mail communication to USDOL official, December 12, 2007.

⁴⁷⁶¹ Ibid.

⁴⁷⁶² Clive Pegus, “A Review of Child Labour Laws of Suriname- A Guide to Legislative Reform.”

⁴⁷⁶³ IDB, *Program for Improving Basic Education*, Project Profile, March 11, 2010; available from <http://www.iadb.org/projects/project.cfm?id=SU-L1019&lang=en>. See also ILO Committee of Experts, *Direct Request C182: Suriname (2010)*.

⁴⁷⁶⁴ IDB, *Improving Basic Education, Project Profile*.

⁴⁷⁶⁵ U.S. Department of State, “Country Reports- 2009: Suriname.”

⁴⁷⁶⁶ Ibid. See also U.S. Embassy- Paramaribo, *Trafficking in Persons reporting, February 19, 2010*.

⁴⁷⁶⁷ U.S. Department of State, “Country Reports- 2009: Suriname.” See also U.S. Embassy- Paramaribo, *reporting, February 19, 2010*.

Swaziland

The Government of Swaziland has strengthened its legal framework to combat the worst forms of child labor by signing into law the Trafficking and People Smuggling Prohibition Act. However, the Government has not effectively enforced its child labor laws or developed adequate social protection programs for the prevention and elimination of exploitive child labor, especially for children working in agriculture, herding, and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	9.6%
Attending School	5-14 yrs.	74.3%
Combining Work and School	7-14 yrs	8.9%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Swaziland, many of them working in agriculture.⁴⁷⁶⁸ Swaziland has one of the world's highest HIV/AIDS prevalence rates, affecting almost a quarter of the population. As a result, there are over 100,000 orphans who are at risk of entering into the worst forms of child labor.⁴⁷⁶⁹

Children are employed to pick cotton and harvest sugarcane. Children working in agriculture may perform physically arduous tasks and risk occupational injury and disease from exposure to dangerous tools, insecticides, and herbicides.⁴⁷⁷⁰ Information about the worst forms of child labor in Swaziland is limited; however, reports indicate that in addition to agriculture, working children are primarily engaged in herding in remote locations, and domestic service.⁴⁷⁷¹ Child domestics may work long hours and be subjected to physical and sexual exploitation by their employer.⁴⁷⁷²

Children also work as porters, transporting heavy loads in self-made carts, and as bus attendants and taxi

conductors, collecting fees and calling out routes while climbing in and out of moving vehicles.⁴⁷⁷³ Children working on the streets as traders and hawkers may be exposed to a variety of hazards, such as severe weather, accidents caused by proximity to automobiles, and vulnerability to criminal elements.⁴⁷⁷⁴ Children also work 14-hour days in textile factories.⁴⁷⁷⁵

Children's exploitation in illicit activities and commercial sexual exploitation is also a problem in Swaziland. Children distribute alcohol in liquor outlets, where they are exposed to sexual harassment.⁴⁷⁷⁶ Reports suggest that children may also grow, manufacture, and sell drugs, and may engage in commercial sexual exploitation at truck stops, bars, and brothels.⁴⁷⁷⁷ Boys often migrate to Swaziland to work in commercial agriculture, market vending, herding, and portering. Some of these boys subsequently become victims of forced labor as their employers reportedly do not allow them to leave.⁴⁷⁷⁸

Another worst form of child labor that occurs in Swaziland includes the trafficking of children. Anecdotal evidence suggests that Swaziland is a source, destination, and transit country for child trafficking for the purposes of domestic servitude,

sexual exploitation, and forced labor in agriculture.⁴⁷⁷⁹ Swazi girls are trafficked internally into the cities of Mbabame and Manzini and to South Africa and Mozambique for domestic service and commercial sexual exploitation.⁴⁷⁸⁰

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act of 1980 sets the minimum age for employment in an industrial undertakings at 15, but it does not set a minimum age for other sectors. As most working children in Swaziland are not employed in industrial undertakings, many are therefore, left unprotected by the law.⁴⁷⁸¹ The law distinguishes between a child—under the age of 15—and a young person—between ages 15 and 18.⁴⁷⁸² A child may not work more than 4 hours continuously or 6 hours a day. The employment of a child or young person in places mainly used for the sale and consumption of alcohol, places where their morals may be impaired, work underground, and in dangerous or unhealthy places, is prohibited.⁴⁷⁸³ Despite the above protections, the Employment Act does not address or specify the types of work considered to be hazardous or a worst form of child labor.⁴⁷⁸⁴






Children are required to attend school until age 12. This standard makes children ages 12 to 15 particularly vulnerable to the worst forms of child labor as they are not required to be in school and are below the minimum age for work.⁴⁷⁸⁵

The Crimes Act criminalizes prostitution. The draft Sexual Offenses and Domestic Violence bill aims to specifically prohibit child prostitution and provide more stringent penalties; however, the bill has yet to be enacted.⁴⁷⁸⁶ The General Pornography Act prohibits pornography.⁴⁷⁸⁷ There is no evidence that laws in Swaziland prohibit the use, procuring, or offering of a child for illicit activities.⁴⁷⁸⁸

In 2009, the Government of Swaziland made changes to its legal framework by signing into law the Trafficking and People Smuggling (Prohibition) Act. This act covers both internal and international forms of trafficking and provides stiff penalties for violators, including up to 25 years' imprisonment for the trafficking of children for any purpose.⁴⁷⁸⁹ The act also

provides provisions for victim compensation through the surrender of convicted offenders' moveable property.⁴⁷⁹⁰

The Constitution prohibits slavery and forced labor, but under the Swazi Administration Order No. 6 of 1998, the Government may demand compulsory work from its citizens for cultivation, road construction, and anti-soil erosion works with stringent penalties for non-compliance. It is unclear whether children are engaged in Government-sponsored compulsory work.⁴⁷⁹¹ The Umbutfo Swaziland Defense Force Act sets the minimum age for conscription and voluntary recruitment into the military at 18.⁴⁷⁹²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Program Advisory Committee on Child Labor (PACC) is charged with developing a national policy to address the worst forms of child labor, with the Ministry of Enterprise and Employment as its Secretariat. It is unclear whether PACC convened or carried out activities during the reporting period.⁴⁷⁹³ At the local levels, community-based child labor committees are responsible for coordinating and monitoring activities to combat child labor.⁴⁷⁹⁴

In July 2009, the Prime Minister established the Inter-Agency Task Force for the Prevention of People Trafficking and People Smuggling to coordinate the implementation of the recent trafficking legislation. The Task Force includes representatives from multiple government and law enforcement agencies including UNICEF, UNDP, and NGOs, and began developing a national plan of action and various operating procedures.⁴⁷⁹⁵ The Task Force meets regularly and will submit quarterly reports to the Prime Minister's office.⁴⁷⁹⁶

The Ministry of Enterprise and Employment, the Department of Social Welfare under the Deputy Prime Minister's Office, and the police services are the federal agencies designated to enforce child labor laws.⁴⁷⁹⁷ It is unknown how many labor inspectors are responsible for the enforcement of labor laws, including those related to child labor, or if they receive training. However, child labor issues are included on the routine labor inspection questionnaire.⁴⁷⁹⁸ While complaints regarding child labor can be made to the abovementioned entities, reports indicate that records regarding child labor complaints do not exist.⁴⁷⁹⁹ In addition, at the time of reporting, the Government did not conduct investigations into child labor violations.⁴⁸⁰⁰

Within the Royal Swaziland Police Service, the Domestic Violence, Child Protection, and Sexual Offenses Unit is responsible for, among other things, the enforcement of criminal laws relating to the worst forms of child labor, including trafficking. Since anti-trafficking legislation did not exist until late 2009, no trafficking prosecutions or convictions were recorded and the Government did not provide training to law enforcement officials on this issue during the reporting period.⁴⁸⁰¹ The Government also established a Sexual Offenses Unit to combat sexual violence against children and women and provide services to victims.⁴⁸⁰²

Government Policies on the Worst Forms of Child Labor

The 2008 National Strategy and Action Plan towards the Elimination of Child Labor in Swaziland serves as the primary policy framework for the prevention and elimination of child labor. This plan aims to eradicate the worst forms of child labor by 2015 and includes

specific roles for the Ministry of Education and the Ministry of Enterprise and Employment to ensure its implementation in national institutions.⁴⁸⁰³ However, the Government has not made it a policy to collect data on the worst forms of child labor.

In 2010, in response to a lawsuit by the Ex-Miners' Association, the Government launched a program to provide free primary education to all children, thereby reducing barriers to education for children vulnerable to the worst forms of child labor. This program will initially register students in the first and second grades, with higher grades included in the future.⁴⁸⁰⁴ The Government also integrated child labor concerns into its National Plan of Action for Orphans and Vulnerable Children (2006-2010), which provides children in this population with counseling and psycho-social support; access to shelter; and protection from exploitation, including trafficking; and supports their enrollment in school.⁴⁸⁰⁵

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In Swaziland, the lion's share of past child-centered activities focused on assisting orphans and vulnerable children affected by HIV/AIDS.⁴⁸⁰⁶ Social programs designed to eliminate child labor have been limited and primarily financed through two USDOL-supported regional child labor projects in Southern Africa, which ended in 2008: the RECLISA and TECL I projects.⁴⁸⁰⁷ The \$5 million TECL I project assisted in the development of a national action plan on child labor, and the \$9 million RECLISA project withdrew and prevented 2,030 children from the worst forms of child labor. When the RECLISA project ended, the Government assumed responsibility for the education and support of the project's beneficiaries.⁴⁸⁰⁸

Current efforts to eliminate the worst forms of child labor focus on anti-trafficking initiatives. The Government launched its Red Light 2010 Campaign to combat the trafficking and sexual exploitation of children leading up to and during the FIFA 2010 World Cup.⁴⁸⁰⁹ In addition, the Swaziland Action Group Against Abuse (SWAGAA) in partnership with World Hope South Africa began the first of a series of workshops throughout Swaziland to educate people on human trafficking and preventative measures.⁴⁸¹⁰

Despite the initiatives described here, the Government is not currently involved in social programs to eliminate the worst forms of child labor in sectors where the majority of children work, such as in agriculture, herding, and domestic service. In

addition, as the Government has not partnered with international organizations, it may miss opportunities to develop and execute externally funded projects to eliminate the worst forms of child labor.⁴⁸¹¹

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Swaziland:

IN THE AREA OF LAW AND REGULATIONS:

- Amend the Employment Act to prohibit the worst forms of child labor, include a list of hazardous occupations, and extend its protections to children working in non-industrial undertakings.
- Raise the compulsory education age to 15.
- Enact the Sexual Offenses and Domestic Violence bill to further protect children from commercial sexual exploitation and prostitution.
- Enact legislation to prohibit the use, procuring, or offering of a child for illicit activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen measures to investigate, prosecute, and convict individuals involved in the worst forms of child labor, which includes:
 - Developing a system to record child labor complaints.
 - Providing law enforcement officers, judges, and prosecutors with training on child labor laws and the newly enacted Trafficking and People Smuggling Prohibition Act.

IN THE AREA OF POLICIES:

- Continue to phase in positive efforts to provide free primary education in 2010 as a way to reduce educational attainment barriers to vulnerable populations, including child laborers.
- Collect data on the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to combat the worst forms of child labor, which includes:
 - Developing appropriate social protection programs for the elimination of child labor in agriculture, herding, and domestic service.
 - Partnering with international organizations to further strengthen child labor legislation and the execution of projects for the prevention and elimination of exploitive child labor.

⁴⁷⁶⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁷⁶⁹ Yasmin Jessie Turton and Richard Kamidza, *Draft Final Evaluation Report: Supporting the time-bound programme for the elimination of the worst forms of child labour in South Africa and laying the basis for concerted action in Botswana, Lesotho, Namibia and Swaziland TECL I*, June-July, 2008, 4; available from [hard copy on file]. See also Bjorn Nordtveit, *Independent Final Evaluation of RECLISA: Swaziland Country Report*, June 10, 2008, 2; available from [hard copy on file].

⁴⁷⁷⁰ U.S. Embassy- Mbabane, *reporting*, January 20, 2009, para e. See also Solidarity Center, *Justice for All: The Struggle for Worker rights in Swaziland*, Washington, DC, September, 2006; available from <http://www.solidaritycenter.org/files/SwazilandFinal.pdf>. See also ILO-IPEC, *Implementation plan of the programme Towards the Elimination of worst forms of Child Labour (TECL) in Swaziland 2004-2007 (TECL Paper 12)*, Geneva, March 2006, 5; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=4287>.

⁴⁷⁷¹ U.S. Embassy- Mbabane, *reporting*, January 20, 2009, para e-f. See also U.S. Embassy- Mbabane, *reporting*, February 23, 2010, section 3a. See also U.S. Embassy- Mbabane, *reporting*, February 3, 2010, section 2a. See also U.S. Department of State, "Swaziland," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135979.htm>. See also International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards in Botswana, Lesotho, Namibia, South Africa and Swaziland*, Geneva, November 4-6, 2009, 20; available from http://www.ituc-csi.org/IMG/pdf/20091103101840-Microsoft_Word_-_SACU-final_.pdf.

⁴⁷⁷² U.S. Department of State, "Country Reports- 2009: Swaziland," section 7d. See also U.S. Embassy- Mbabane, *reporting*, February 3, 2010, section 2a.

⁴⁷⁷³ ILO-IPEC, *TECL Implementation Plan - Swaziland*, 5-7. See also U.S. Department of State, "Country Reports- 2009: Swaziland," section 7d.

⁴⁷⁷⁴ U.S. Embassy- Mbabane, *reporting*, February 3, 2010, section 2.5. See also ILO-IPEC, *TECL Implementation Plan - Swaziland*, 5-7. See also U.S. Department of State, "Country Reports- 2009: Swaziland," section 7d.

⁴⁷⁷⁵ ILO-IPEC, *TECL Implementation Plan - Swaziland*, 7.

⁴⁷⁷⁶ Ibid. See also Government of Swaziland, *Monitoring the Declaration of Commitment on HIV/AIDS (UNGASS): Swaziland Country Report*, January, 2008; available from http://data.unaids.org/pub/Report/2008/swaziland_2008_country_progress_report_en.pdf. See also Miriam and Keregero Keregero, *TECL Paper No. 45: Commercial sexual exploitation of children in Swaziland*, Rapid Assessment, Geneva, 2006, 4, 9; available from <http://www.child-labour.org.za/blns-countries/swaziland/documents-and-laws/research-reports/insights-into-children-subject-to-commercial-sexual-exploitation/>. See also International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*.

⁴⁷⁷⁷ ILO-IPEC, *TECL Implementation Plan - Swaziland*, 6-7. See also Government of Swaziland, *Monitoring the Declaration of Commitment on HIV/AIDS (UNGASS)*. See also Miriam and Keregero Keregero, *Commercial sexual exploitation*, 6-9. See also International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*, 19. See also Integrated Regional Information Networks, "Swaziland: Growing number of children working", IRINnews.org, [online], November 10, 2006 [cited December 28, 2009]; available from <http://newsite.irinnews.org/Report.aspx?ReportID=61535>.

⁴⁷⁷⁸ U.S. Department of State, "Swaziland," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.unhcr.org/refworld/category/COI,,,SWZ,4c1883c323,0.html>. See also International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*, 22. See also U.S. Embassy- Mbabane, *reporting*, February 23, 2010, section 3b.

⁴⁷⁷⁹ ILO-IPEC, *TECL Implementation Plan - Swaziland*, 7. See also U.S. Embassy- Mbabane, *reporting*, February 23, 2010, section 3b. See also Integrated Regional Information Networks, "Swaziland: Hard times raise levels of abuse", IRINnews.org, [online], August 1, 2007 [cited December 28, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportID=73530>. See also U.S. Department of State, "Trafficking in Persons Report- 2010 Swaziland."

⁴⁷⁸⁰ U.S. Department of State, "Trafficking in Persons Report- 2010 Swaziland." See also International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*, 22. See also U.S. Embassy- Mbabane, *reporting*, February 23, 2010, section 3b.

⁴⁷⁸¹ U.S. Department of State, "Country Reports- 2009: Swaziland," section 6d. See also Government of Swaziland, *King and Parliament of Swaziland: The Employment Act*,

(1980), Part I: Preliminary, article 97(1); available from [http://www.doingbusiness.org/Documents/LawLibrary/Swaziland-Employment-Act-1980-\(Excerpts\).pdf](http://www.doingbusiness.org/Documents/LawLibrary/Swaziland-Employment-Act-1980-(Excerpts).pdf). See also International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*, 19.

⁴⁷⁸² U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 1.3.

⁴⁷⁸³ Government of Swaziland, *Employment Act* article 97-99.

⁴⁷⁸⁴ U.S. Embassy- Mbabane, *reporting, January 20, 2009*. See also Government of Swaziland, *Employment Act*

⁴⁷⁸⁵ UNESCO, *Education for All Global Monitoring Report: 2009: Overcoming inequality: why governance matters*, Oxford University Press, Paris, 2008; available from <http://unesdoc.unesco.org/images/0017/001776/177683e.pdf>. See also Government of Swaziland, *Employment Act*

⁴⁷⁸⁶ International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*, 19. See also Africa News, “Swaziland: Help Sex Workers - Senator”, allafrica.com, [online], November 12, 2009 [cited November 13, 2009]; available from <http://allafrica.com/stories/200911130001.html>. See also U.S. Department of State, “Trafficking in Persons Report- 2010 Swaziland.” See also U.S. Department of State, “Country Reports- 2009: Swaziland,” section 6. See also Jacqui Gallinetti, *Harmonisation of laws relating to children: Swaziland*, The African Child Policy Forum, Addis Ababa, 2005, 14-15; available from <http://www.africanchildinfo.net/documents/Swaziland%20final%20Sarah.doc>.

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⁴⁷⁸⁹ Government of Swaziland, *The People Trafficking and People Smuggling (Prohibition) Act*, Act No. 7 (November 10, 2009), article 3, 12-13; available from [hard copy on file]. See also U.S. Department of State, “Trafficking in Persons Report- 2010 Swaziland.”

⁴⁷⁹⁰ U.S. Department of State, “Trafficking in Persons Report- 2010 Swaziland.” See also Government of Swaziland, *The People Trafficking and People Smuggling Act*, article 12-18.

⁴⁷⁹¹ International Trade Union Confederation (ITUC), *Internationally Recognized Core Labour Standards*, 22. See also Government of Swaziland, *An Act to provide for the Constitution of the Kingdom of Swaziland*, 2005, article 17; available from <http://www.southernafricalawcenter.org/salc/library/Librarydetail.aspx?id=341449205>.

⁴⁷⁹² Coalition to Stop the Use of Child Soldiers, “Swaziland” *In Child Soldiers Global Report 2008*, London, 2008; available from http://www.child-soldiers.org/library/global-reports?root_id=159&directory_id=216.

⁴⁷⁹³ U.S. Embassy- Mbabane, *reporting, January 20, 2009*, para b. See also U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 2e.1. See also Nordtveit, *Independent Final Evaluation of RECLISA: Swaziland Country Report*, 4.

⁴⁷⁹⁴ American Institutes for Research, *Reducing Exploitive Child Labor in Southern Africa (RECLISA)*, Final Technical Progress Report, Washington, December 8, 2008, 5, 12, 76.

⁴⁷⁹⁵ UNDP, *Human Trafficking - Red Light 2010*, [online] September 1, 2009 [cited January 15, 2010]; available from http://www.undp.org.sz/index.php?option=com_content&view=article&id=142:human-trafficking-red-light-2010&catid=116:gender&Itemid=121. See also U.S. Department of State, “Trafficking in Persons Report- 2010 Swaziland.”

⁴⁷⁹⁶ UNDP, *Red Light 2010*. See also Lunga Masuku, “PM sets ball rolling on combating human trafficking and smuggling”, swazilive.com, [online], March 06, 2010 [cited July 22, 2010]; available from http://www.swazilive.com/Swaziland_News/Swaziland_News_Stories.asp?News_id=1466. See also U.S. Department of State, “Trafficking in Persons Report- 2010 Swaziland.”

⁴⁷⁹⁷ U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 2c.

⁴⁷⁹⁸ Ibid.

⁴⁷⁹⁹ Ibid., para 2c.1-2.

⁴⁸⁰⁰ U.S. Department of State, “Swaziland,” in *Country Reports on Human Rights Practices- 2009* Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119027.htm>. See also U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 2c.

⁴⁸⁰¹ UNODC, *Global Report on Trafficking in Persons*, February, 2009; available from http://www.ungift.org/docs/ungift/pdf/humantrafficking/Global_Report_on_TIP.pdf. See also U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 2d.6, 2d.12. See also U.S. Embassy- Mbabane, *reporting, February 23, 2010*, section 5e.

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⁴⁸⁰³ American Institutes for Research, *RECLISA Final Technical Progress Report*, 13, 72, 74. See also Yasmin Jessie Turton and Richard Kamidza, *TECL I Draft Final Evaluation Report*, 22. See also U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 2a. See also UN in South Africa, “Swaziland commits to national action against child

labour”, ILO, [online], April 9, 2008 [cited November 10, 2009]; available from <http://www.un.org.za/swaziland-commits-to-national-action-against-child-labour/>.

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⁴⁸⁰⁵ Government of Swaziland, *National Plan of Action for Orphans and Vulnerable Children: 2006-2010*, 7, 14; available from http://www.unicef.org/swaziland/sz_publications_2006npaforovc.pdf.

⁴⁸⁰⁶ Integrated Regional Information Networks, “Swaziland: Child rights advocates highlight plight of under-fives”, IRINnews.org, [online], April 20, 2005 [cited July 26, 2010]; available from <http://www.irinnews.org/report.aspx?reportid=53980>. See also Integrated Regional Information Networks, “Swaziland: Innovative project cares for AIDS orphans”, IRINnews.org, [online], May 25, 2004 [cited July 26, 2010]; available from <http://www.irinnews.org/report.aspx?reportid=50016>.

⁴⁸⁰⁷ USDOL, *Supporting the Timebound Program to Eliminate the Worst Forms of Child Labor in South Africa, and Laying the Basis for Concerned Action Against the Worst Forms of Child Labor in Botswana, Lesotho, Namibia, and Swaziland*, Technical Cooperation Project Summary, Washington, DC, 2008; available from [hard copy on file]. See also American Institutes for Research, *RECLISA Final Technical Progress Report*.

⁴⁸⁰⁸ U.S. Embassy- Mbabane, *reporting, February 3, 2010*, para 2f.1. See also American Institutes for Research, *RECLISA Final Technical Progress Report*, 91. See also USDOL, *Supporting the Timebound Program to Eliminate the Worst Forms of Child Labor in South Africa, and Laying the Basis for Concerned Action Against the Worst Forms of Child Labor in Botswana, Lesotho, Namibia, and Swaziland*.

⁴⁸⁰⁹ UNDP, *Red Light 2010*. See also U.S. Embassy- Mbabane, *reporting, February 23, 2010*, section 4a.

⁴⁸¹⁰ U.S. Embassy- Mbabane, *reporting, February 23, 2010*, section 7a.

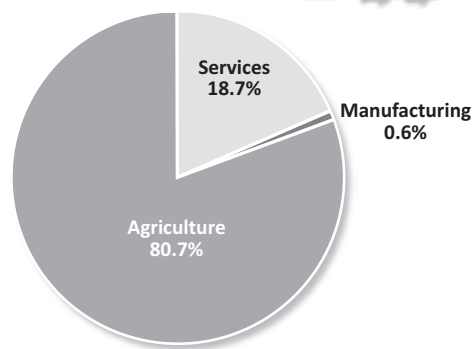
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Tanzania

The Government of the United Republic of Tanzania has strengthened its legal and policy framework to combat the worst forms of child labor, including by instituting the Zanzibar National Action Plan for the Elimination of Child Labor and adopting the Anti-Trafficking Law. However, enforcement remains weak and funding to sustain current efforts has not been made available. Unsafe and unhealthy child labor in agriculture and mining continues to exist, and children are still trafficked and involved in prostitution.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	27.9%
Attending School	5-14 yrs.	75.4%
Combining Work and School	7-14 yrs	24.2%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁴⁸¹²

The United Republic of Tanzania (“Tanzania”) includes Mainland Tanzania and the semi-autonomous archipelago of Zanzibar. Children in Tanzania are found in the worst forms of child labor, particularly in agriculture and fishing. On Mainland Tanzania, children work in the cultivation of coffee, sisal, tea, timber, cloves, and tobacco, where they work with dangerous tools, are exposed to pesticides and chemical fertilizers, and carry heavy loads.⁴⁸¹³ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of sugarcane and seaweed farming.⁴⁸¹⁴ Children in Mainland and Zanzibar are engaged in fishing, including fishing Nile Perch, where they are exposed to risks of injury such as being entangled in nets and using sharp tools to clean fish. Children in fishing camps are also susceptible to sexual exploitation.⁴⁸¹⁵

Children in Tanzania work in artisanal mines and stone quarries, including in the production of tanzanite, where they crush stones with dangerous tools, carry heavy loads, and some engage in sex work.⁴⁸¹⁶ In urban areas, children are exposed to dangers working in bars and scavenging for scrap metal and other items to sell.⁴⁸¹⁷ In Zanzibar, children work in the tourism industry, as guides and street vendors, sometimes for long hours. Girls, including those employed as cleaners in tourist hotels, have been exploited in prostitution.⁴⁸¹⁸

Trafficking for forced labor and commercial sexual exploitation is a problem in Tanzania. Girls employed as domestic servants, sometimes by force, work long hours, and may be sexually harassed. Girls who flee abusive households may be exploited as prostitutes.⁴⁸¹⁹ Poor rural children in particular are trafficked internally for forced labor and commercial sexual exploitation.⁴⁸²⁰ Orphans are particularly vulnerable to trafficking.⁴⁸²¹ Some children are reportedly trafficked to South Africa, Saudi Arabia, and Europe for domestic service and prostitution, and some Tanzanian girls are coerced into prostitution in tourist areas.⁴⁸²²

Laws and Regulations on the Worst Forms of Child Labor

The Constitution stipulates which laws in Tanzania apply to the entire United Republic; labor laws are not among them. Mainland Tanzania and Zanzibar therefore have separate legal regimes governing child labor.⁴⁸²³ Mainland Tanzania is subject to the Employment and Labor Relations Act No 6. 2004, which prohibits the employment of children under age 14, except in the case of light work, and prohibits children under age 18 years from working in hazardous environments. The law also establishes criminal penalties for anyone using illegal child labor or forced labor.⁴⁸²⁴ The Government maintains a list of the worst forms of child labor, which was updated during the reporting period but has yet to be finalized and officially published.⁴⁸²⁵

The Sexual Offences and Provisions Act 1998 includes penalties for procuring a child less than age 18 for sexual abuse, for indecent exhibition, or for sexual intercourse.⁴⁸²⁶ The Penal Code also punishes those knowingly living off the earnings of prostitution.⁴⁸²⁷

The Child Act, passed in 2009, harmonizes all Mainland laws pertaining to children.⁴⁸²⁸ The law prohibits the employment of children in exploitive labor in the formal and informal sectors, and prohibits forced child labor, children in hazardous work, and the sexual exploitation of children.⁴⁸²⁹ The Act includes a list of hazardous activities from which children in Mainland Tanzania are prohibited.






While Mainland Tanzania has a strong legal framework, the Employment and Labor Relations Act does not apply to individual members of the Tanzanian Peoples Defense Forces, the Police Force, the Prisons Service, and the National Service.⁴⁸³⁰

Zanzibar is governed by the Zanzibar Employment Act No 11, which prohibits child labor, including the worst forms of child labor. However, the law does not include a list of hazards or specify hazardous work within sectors in which the use of children is forbidden.⁴⁸³¹ The Penal Code of Zanzibar reportedly includes provisions relating to the worst forms of child labor and the Zanzibar Guidelines Against Child Labor defines both child labor and hazardous work.⁴⁸³² However, the content of these guidelines was not

located through research and the comprehensiveness of such definitions cannot be evaluated in this report.

In addition to the Mainland and Zanzibar legal frameworks on child labor, some districts have incorporated restrictions against child labor into their individual by-laws, focusing on child labor specific to economic activities in their district.⁴⁸³³

During the reporting period, the Anti-Trafficking in Persons Act 2008 came into effect and is applicable to both Mainland Tanzania and Zanzibar.⁴⁸³⁴ The law covers all aspects of trafficking in persons and considers trafficking of children to be “severe trafficking,” a criminal offense with heavier penalties.⁴⁸³⁵

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	Yes
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Monitoring and Enforcement

The Prime Minister’s Office Regional Administration and Local Government (PMORALG) is the chair of the National Intersectoral Committee on Child Labor. With representation from various government ministries and non-governmental organizations, it coordinates action to bring attention to child labor issues⁴⁸³⁶ and strengthen local structures to eliminate child labor.⁴⁸³⁷ District-level entities also report on

the prevalence of working children and current village and district-level child labor interventions to the PMORALG; however regional governments are not involved.

In Mainland Tanzania, the Ministry of Labor, Employment, and Youth Development is responsible for the enforcement of child labor laws.⁴⁸³⁸ There are a total of 90 labor officers in Tanzania.⁴⁸³⁹ Their training includes a child labor component.⁴⁸⁴⁰ As the lead agency on child labor issues, this Ministry works closely with the Ministries of Community Development, Gender, and Children; Home Affairs; Education; Agriculture; and Health and Social Welfare and the PMORALG.⁴⁸⁴¹ The Ministry of Labor maintains a separate Child Labor Unit; however there were only three staff members in the Child Labor Unit and limited funding available.⁴⁸⁴² Each region also has one or more labor officers responsible for enforcing labor laws, including those for child labor. There are no labor officers at the district level.⁴⁸⁴³

Labor inspectors coordinate with social welfare officers to provide services to children withdrawn from the worst forms of child labor.⁴⁸⁴⁴ The Labor and Economic Social Council, under the Department of Labor within the Ministry of Labor, Employment and Youth Development also assists.⁴⁸⁴⁵ Community development officers and social welfare officers, responsible for monitoring child labor at the district and village levels, report to the PMORALG.⁴⁸⁴⁶

Zanzibar has its own Ministry of Labor, which is responsible for enforcing the archipelago's child labor laws.⁴⁸⁴⁷ In Zanzibar, the Ministry of Labor, Youth Development, Women, and Children; the Commission for Mediation and Arbitration; and the labor court are responsible for enforcing labor laws.⁴⁸⁴⁸ The Labor Commission, under the Ministry of Labor, is responsible for matters related to labor inspections.⁴⁸⁴⁹

Throughout Tanzania, at the district and community level, child labor committees identify and monitor children engaged in exploitive child labor.⁴⁸⁵⁰ Child labor cases are usually resolved by district courts, with children engaged in exploitive labor referred to social welfare officers for services and support.

While district courts have jurisdiction over child labor cases, the Commission for Mediation and Arbitration (CMA), responsible for other types of labor violations, can also mediate and arbitrate child labor law violations that have been reported to them⁴⁸⁵¹ or send them to district courts.⁴⁸⁵² The distance and cost of traveling to district courts may deter rural inhabitants from taking complaints to them.⁴⁸⁵³ At the ward level, ward tribunals can also mediate labor disputes.

The police investigate cases of child labor reported to police stations and in some cases, refer them to labor officers or solicit the assistance of social welfare officers.⁴⁸⁵⁴ There were no child labor cases, violations, or prosecutions in 2009.⁴⁸⁵⁵

The Interpol Office of Transnational Crimes within the police force includes the position of an officer responsible for trafficking. An independent trafficking desk was also established.⁴⁸⁵⁶ Trafficking cases, including child trafficking, can be reported through Interpol and NGO hotlines. Government officials, social workers, prosecutors, police, and immigration officers received training on trafficking and trafficking victims' assistance.⁴⁸⁵⁷ The government assisted NGOs in identifying 250 trafficking victims; however, there were no prosecutions during the reporting period (though one person was fined \$220 under the Penal Code).⁴⁸⁵⁸

Government Policies on the Worst Forms of Child Labor

The National Action Plan for the Elimination of Child Labor was released in June 2009.⁴⁸⁵⁹ The plan highlights key stakeholders and ministries responsible for child labor interventions, and proposes strategies including poverty alleviation, capacity building for enforcement and protection mechanisms, and monitoring and evaluation to combat the worst forms of child labor.⁴⁸⁶⁰ Zanzibar also has a National Action Plan for the Elimination of Child Labor (NAP) (2009), which gives authority to the Zanzibar Child Labor Steering Committee, composed of key officials from various implementing agencies responsible for child labor, to provide policy guidance for the NAP. The Steering Committee also exchanges information with the National Intersectoral Coordinating Committee

in Mainland Tanzania.⁴⁸⁶¹ District labor officers are responsible for overseeing the implementation of the NAPs in individual districts, in partnership with education officers, social welfare officers, and women and child welfare officers.⁴⁸⁶²

In addition to child labor specific policies, the National Strategy for Growth and Reduction of Poverty 2005-2010 includes child labor and child trafficking and considers child laborers among the most vulnerable populations.⁴⁸⁶³ The policy commits the government to reducing the percentage of children engaged in child labor to less than 10 percent by 2010; links former child laborers to educational alternatives; and aims to increase primary school enrollment, attendance, and completion for child laborers and other vulnerable children.⁴⁸⁶⁴ The Government of Tanzania has not yet passed the draft NSGRP II.⁴⁸⁶⁵ The Zanzibar Strategy for Growth and Poverty Reduction includes a sub-indicator for child labor as well as the implementation of the National Guidelines on Child Labor as a key activity.⁴⁸⁶⁶ These poverty reduction plans contribute to the Government of Tanzania's National Development Vision of 2025.⁴⁸⁶⁷

Tanzania's new anti-trafficking law includes provisions to establish an Anti-Trafficking Committee responsible for promoting, defining and coordinating policy to prevent trafficking.⁴⁸⁶⁸

A number of other government policies target child labor, including: the National Costed Plan of Action for Most Vulnerable Children 2007-2010, targeting child laborers among its most vulnerable children; the National Employment Policy (2007), requiring the Government and partners to provide child labor guidelines and programs; the United Republic of Tanzania Child Development Policy, prohibiting the worst forms of child labor; the Zanzibar Child Protection Policy, supporting the Government's commitment to the Convention on the Rights of the Child; and the National Social Protection Framework, identifying child labor as a coping mechanism for families with economic risks and proposing strategies to improve sustainable livelihoods.⁴⁸⁶⁹

The Government has focused on training as a means to address child labor and developed a number of policies and created institutions to support this effort, including: the Zanzibar Vocational Education and Training Policy (2005), providing government

and private job training and preparation to youth; a Ministry of Education-managed alternative education program assisting adults and children who have dropped out of school; the Mainland Tanzania Complimentary Basic Education and Training (COBET) program, which targets child laborers and provides child labor components in its curricula; and the Vocational Education and Training Authority (VETA), which provides skills and entrepreneurship training to rural populations and incorporates child labor targets.⁴⁸⁷⁰

Children involved in or at risk of becoming involved in child labor are identified by Most Vulnerable Children Committees, which operate at the ward and village levels.⁴⁸⁷¹ The Ministry of Labor, however, has established child labor committees in 16 districts where it has scaled up its activities in coordination with USDOL-funded projects.⁴⁸⁷² Districts are guided by the District Framework for Interventions on Child Labor in Tanzania, which outlines a strategic approach in district-based action against child labor.⁴⁸⁷³ Districts must integrate child labor into individual district development plans and budgets, and many do this through the promotion of enrolment and retention in basic education and the targeting of vulnerable households in poverty reduction initiatives.⁴⁸⁷⁴ Some district child labor committees have their own budgets for child labor activities.⁴⁸⁷⁵

The Government has also prioritized data collection, both through the Integrated Labor Force Survey, 2006 and the Zanzibar Labor Force Survey, which identify child laborers, specify economic activities in which children participate, and include hazards facing these children.⁴⁸⁷⁶ Data collected from these surveys were used to develop policies specific to child labor. In collaboration with Understanding Children's Work (UCW), the Government is conducting a preliminary analysis of the situation of children and youth.⁴⁸⁷⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Following its adoption of ILO Convention 182 on September 12, 2001, the Government of Tanzania has worked with ILO-IPEC on two USDOL-funded projects to support the convention's implementation. The first ended in 2006 and withdrew or prevented 35,000 children from engaging in the worst forms of child labor. The second continued efforts to

eliminate the worst forms of child labor in commercial agriculture, domestic service, mining, fishing, and prostitution in mainland Tanzania. It ended in December 2009 and withdrew or prevented 22,000 children from exploitive child labor in Mainland Tanzania and in Zanzibar.⁴⁸⁷⁸ Another USDOL-funded project, which ended in 2006, piloted a child labor monitoring system to coordinate national child labor elimination efforts at the local government level; however, the monitoring system has not been implemented in every region in Tanzania.⁴⁸⁷⁹

This project also established radio-based curriculum and awareness raising activities, which the Ministry of Education and Vocational Training continues to operate in learning centers.⁴⁸⁸⁰ Another USDOL-funded project ended in November 2010 and aims to withdraw 5,145 children and prevent 5,270 children in agriculture from the worst forms of child labor through government monitoring and class inspection, payment to COBET teachers in selected districts, and in-kind contributions, including office space.⁴⁸⁸¹ Child labor has also been prioritized in Tanzania's Decent Work Country Program assisted by the ILO.⁴⁸⁸² USDOL is currently funding a \$1.71 million project, Strengthening Labor Law Compliance, which supports the labor inspection component of the ILO's child labor projects.⁴⁸⁸³

The Government has promoted nationwide enrolment in basic education, which involves community mobilization coupled with increased budgetary allocation and abolition of school fees to ensure that enrolment covers children from poor, vulnerable families.⁴⁸⁸⁴

The National Empowerment Fund supports poverty reduction efforts at the region/district level, channeled through financial institutions in the rural areas. The Tanzania Social Action Fund provides funding grants and a conditional cash transfer program to vulnerable populations, including children.⁴⁸⁸⁵ The question of whether the Government's basic education program and National Empowerment Fund have an impact on the worst forms of child labor does not appear to have been addressed.

The Government plans to establish an anti-trafficking fund to trace families of victims of human trafficking, including young girls lured to foreign countries that end up in commercial sexual exploitation.⁴⁸⁸⁶ The Government of Tanzania currently contributes the majority of funds to the East African Regional Training Academy for immigration officials, which provides instruction in anti-trafficking.⁴⁸⁸⁷

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Tanzania:

IN THE AREA OF LAWS AND REGULATIONS:

- Update the Employment and Labor Relations Act to include members of the Tanzanian Peoples Defense Forces, the Police Force, the Prisons Service, and the National Service, which are currently not bound by any provisions in the law, including those on child labor.
- Establish a list of hazardous work and prohibited hazardous activities for children in Zanzibar.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase funding for labor officers and ensure that labor inspectors receive training and resources to conduct child labor focused inspections.
- Increase the number of child labor cases tried through the justice system through district courts or resolved through the Commission for Mediation and Arbitration (CMA). Provide legal aid, transportation, or other assistance to help poor families to access district courts.

IN THE AREA OF POLICY:

- Realize the commitments proposed in the draft National Strategy for Growth and Reduction of Poverty 2005-2010 by passing a new plan with similar child labor objectives.

IN THE AREA OF SOCIAL PROGRAMS:

- Expand the pilot child labor monitoring system to all districts in Tanzania. Ensure that all labor inspectors have access to this data, and share with police to strengthen enforcement.
- Assess the impact that the Government's basic education program and National Empowerment Fund have on addressing the worst forms of child labor.

⁴⁸¹² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2005-2006. Data on children combining work and school are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁸¹³ Government of Tanzania, *Review on Enforcement of Child Labour Legislation in Ten Selected Districts in Tanzania*, prepared by Employment and Youth Development Ministry of Labour, 2009, 7. See also U.S. Embassy- Dar es Salaam, *reporting*, January 30, 2009, para. 2. See also ILO-IPEC, *Support for the Time-Bound Programme on the Worst Forms of Child Labour in Tanzania: Phase II*, Project Document, Geneva, September 2005, 3. See also

International Confederation of Free Trade Unions (ICFTU), *Internationally Recognized Core Labour Standards in Tanzania: Report for the WTO General Council Review of the Trade Policies of Tanzania*, Geneva, October 25 and 27, 2006, 8; available from www.icftu.org/www/pdf/corelabourstandards2006tanzania.pdf.

⁴⁸¹⁴ ILO-IPEC, *Support for the Timebound Program: Phase II, Project Document (September 2005)*, xi.

⁴⁸¹⁵ USDOL, *Trip Report of Site Visit by U.S. Department of Labor Officials to Tanzania: May 15-28*, Washington, DC, May, 2010. See also Government of Tanzania, *Key Findings on Child Labour in Tanzania: Based on the Analysis of Findings of the Integrated Labour Force Survey, 2006*, Dar es Salaam, January, 2009, 13. See also Revolutionary Government of Zanzibar, *National Action Plan for the Elimination of Child Labour 2009-2015*, prepared by Youth Ministry of Labour, Women and Children Development, 2009, 3. See also Basic Education Coalition, "International Basic Education Update- Tanzania: Too Much Work, Too Little School," (2008); available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also ILO-IPEC, *Support for the Time-Bound Programme on the Worst Forms of Child Labour in Tanzania- Phase II*, Project Document, Geneva, September 2005, 46-47.

⁴⁸¹⁶ ILO-IPEC, *Girls in mining: Research finding from Ghana, Niger, Peru and the United Republic of Tanzania*, 2007, section 3.1.4, 2.1.3 and 2.3.1; available from <http://www.ilo.org/dyn/gender/docs/RES/539/F181278003/Girls%20in%20Mining.pdf>. See also Integrated Regional Information Networks, “Tanzania: Gem slaves: Tanzanite’s child labour”, September 6, 2006 [cited January 23, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportId=61004>. See also U.S. Embassy- Dar es Salaam, *reporting*, February 9, 2010, 2A.

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Thailand

The Government of Thailand launched its National Policy and Plan to Eliminate the Worst Forms of Child Labor and has undertaken wide-ranging activities to implement its Anti-Trafficking law. However, hazardous child labor continues to exist in agriculture and seafood processing, particularly for migrant children. Resource constraints and some legal gaps remain as impediments to government efforts.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	13.0%
Attending School	5-14 yrs.	96.3%
Combining Work and School	7-14 yrs	14.4%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Thailand are exploited in the worst forms of child labor,⁴⁸⁸⁸ primarily in agriculture. Children work producing crops such as sugarcane. In addition, although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of rice, cassava, corn, rubber, and oranges, and harvesting seeds.⁴⁸⁸⁹ These children risk working long hours, excessive sun exposure, and using dangerous tools.

Children also work at gas stations, entertainment venues, markets, and restaurants. They are exposed to excessive work hours, night work, and high levels of noise, dust, and smoke.⁴⁸⁹⁰

Children work in fishing, where they may spend long periods at sea, work long hours, carry heavy loads, and face the risk of physical abuse. Children process fish and seafood, including shrimp, and they are exposed to long and late hours; foul smelling, dangerous, dirty, and damp working conditions; and a lack of safety equipment.⁴⁸⁹¹

Children, primarily girls, work in domestic service

where they face long hours of work, the inability to leave the employer's home, as well as physical and sexual abuse by their employers.⁴⁸⁹² Children also work in construction and manufacturing. In garment manufacturing, children are mostly found in factories along the Burmese border where they are faced with excessive work hours and exposure to dangerous machinery and chemicals.⁴⁸⁹³

Street children are present in urban centers where they engage in vending and begging. Such children work long hours, are subject to physical and sexual abuse, and are at risk of being forced into the commercial sex industry.⁴⁸⁹⁴

Ethnic minority, stateless, and migrant children are most at risk for engaging in the worst forms of child labor, especially in the informal sector.⁴⁸⁹⁵

Children in Thailand are exploited in prostitution and pornography.⁴⁸⁹⁶ The Office of the National Commission of Women's Affairs estimated that there are between 22,500 and 40,000 Thai nationals under age 18 engaged in prostitution, representing 15 to 20 percent of the total prostitute population in Thailand.⁴⁸⁹⁷ Estimates are not available for non-Thai national children being exploited in prostitution.

Thailand remains a source, transit, and destination country for children who have been trafficked for labor or commercial sexual exploitation, including sex tourism.⁴⁸⁹⁸ Girls are trafficked from Burma, Cambodia, China, Laos, and Vietnam to Thailand for commercial sexual exploitation.⁴⁸⁹⁹ Migrants and members of northern Thailand's ethnic hill tribes are particularly vulnerable to trafficking.⁴⁹⁰⁰

Children migrate alone or with their families and they may subsequently be subjected to forced labor in agriculture, construction, garment factories, commercial fisheries (including shrimp), deep-sea fishing, and domestic service in private households.⁴⁹⁰¹

There are also reports of children being used by separatist groups in southern Thailand to carry out armed attacks.⁴⁹⁰²






Laws and Regulations on the Worst Forms of Child Labor

The Labor Protection Act (LPA) sets the minimum age for employment at 15, the minimum age for hazardous employment at 18, and outlines penalties for violations, including up to one year in prison.⁴⁹⁰³ The LPA outlines certain prohibited activities for children, such as work involving hazardous chemicals, the operation of heavy equipment, work underground, or work in places where alcohol is sold.⁴⁹⁰⁴ The Child Protection Act prohibits the employment of children in a way that might cause them physical or mental harm or hinder their development, prohibits the use of children for begging, committing crimes, or any type of exploitation, and imposes stricter fines than the LPA.⁴⁹⁰⁵ However, a more specific list of hazardous occupations and exploitive activities for children has not been published.

The LPA excludes from coverage certain sectors where children work, such as agriculture, sea fishing, and domestic work.⁴⁹⁰⁶ To partially address this gap with regard to agriculture, a separate Ministerial regulation was issued to provide some LPA protections to child workers. Such protections include a minimum age of 15 for employment, except that children older than age 12 who are on school vacation and have received parental permission may undertake work that is not hazardous in nature.⁴⁹⁰⁷ Despite the protections for children under age 15, there is no evidence that the

regulation also provides LPA protections to children age 16 to 17 regarding the number of hours worked, the permissible times for work, prohibition on overtime, or hazardous activities. Currently, there are no protections for children working as domestic servants.⁴⁹⁰⁸ Although the Government of Thailand generally has a solid legislative framework to protect children, the protections for children working in agriculture, fishing and domestic work are weak.

The Constitution and the Child Protection Act prohibit forced labor.⁴⁹⁰⁹ The minimum voluntary age for military recruitment is 18, while the age for compulsory recruitment is 20.⁴⁹¹⁰ The Prevention and Suppression of Prostitution Act, B.E. 2539 and the Anti-Trafficking in Persons Act prohibit all forms of prostitution and trafficking of children for the purpose of sexual exploitation or forced labor.⁴⁹¹¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

During the reporting period, the Government passed a Cabinet Resolution allowing migrant children to register and stay in Thailand with their registered parents.⁴⁹¹² The Government passed a similar resolution in 2004 to allow children to register with their parents. However, since that time, children accompanied their parents without registration documentation and were at greater risk of being exploited in the worst forms of child labor because

their illegal status made it unlikely that they would seek other legal protections.⁴⁹¹³ The Government also improved the regulatory framework for implementing the Anti-Trafficking in Persons Act, through a series of regulations that included improvements to victim protection and assistance.⁴⁹¹⁴

Institutional Mechanisms for Coordination and Enforcement

During the reporting period, the Government approved the National Committee to Eliminate the Worst Forms of Child Labor, and province-based women- and child-labor protection centers to coordinate implementation of initiatives to combat child labor.⁴⁹¹⁵ The committee is chaired by the Ministry of Labor (MOL), with representatives from over 15 additional government bodies and from employer associations, worker associations, and other civil society groups.⁴⁹¹⁶

The Anti-Trafficking in Persons Committee, chaired by the Prime Minister, and its subcommittee, the Coordinating and Monitoring of Anti-Trafficking in Persons Committee, chaired by the Deputy Prime Minister, are Thailand's main trafficking coordinating mechanisms. These committees have multiple subcommittees dedicated to specific topics, such as data collection and implementing the national anti-trafficking policy.⁴⁹¹⁷ The various committees meet regularly.⁴⁹¹⁸

The Department of Labor Protection and Welfare (DLPW) in the MOL conducts labor inspections, including for child labor.⁴⁹¹⁹ For the period October 2009 to September 2010, the DLPW allocated approximately \$3.1 million for labor inspections.⁴⁹²⁰

Each labor inspector inspects for all labor law violations and receives annual training related to child labor.⁴⁹²¹ In 2009, the MOL employed 678 labor inspectors to cover 389,561 workplaces, an insufficient amount to adequately monitor the number of workplaces as recognized by the Government. The DLPW recently began prioritizing inspections of small factories, as well as workplaces with concentrations of migrant laborers and laborers age 15 to 17 due to higher numbers of reports of hazardous labor among

these populations.⁴⁹²² Labor inspectors do not speak migrant or ethnic minority languages, which may impede their ability to protect the most vulnerable children.⁴⁹²³

In 2009, the DLPW labor inspections identified 3,648 children working in 405 workplaces, although the vast majority of these children were not found working in violation of the LPA.⁴⁹²⁴ These cases were resolved without court proceedings. In addition to the 405 DLPW-initiated inspections, the DLPW responded to and reportedly resolved 226 complaints of child labor for children age 15 to 17.⁴⁹²⁵ According to the Government, a violation or case is “resolved” when it has been successfully processed in accordance with the appropriate regulation or law.⁴⁹²⁶ Although the MOL collects information on the number of child labor investigations, it does not routinely collect data on penalties, fines, convictions or assistance to victims for child labor investigations.⁴⁹²⁷

In an effort to supplement existing inspections by the DLPW and to expand efforts to identify cases of hazardous child labor, the Government has tasked other government agencies and collaborated with non-governmental agencies to monitor and inspect for child labor. Additionally, the DLPW established Child Labor Protection Networks to help monitor workplaces, refer cases of illegal child labor to DLPW inspectors, and to raise awareness on labor rights and duties.⁴⁹²⁸ The various inspection entities are expected to develop a monthly inspection plans and to coordinate to avoid redundancy of inspections.⁴⁹²⁹

The principal enforcement agency for other worst forms of child labor is the Anti-Human Trafficking Division (AHTD) of the Royal Thai Police. The AHTD, formerly the Children, Juveniles and Women Division, is a specialized division tasked with enforcing laws related to human trafficking.⁴⁹³⁰ The Government organized a number of trainings for enforcement agents during the reporting period on the operational guidelines for implementing the anti-trafficking act.⁴⁹³¹

The AHTD investigated 134 trafficking cases between June 2008 and November 2009, but it is unknown how many cases involved children because inspection data are not disaggregated by age or gender. In addition, the

Office of the Attorney General initiated 17 trafficking prosecutions in fiscal year 2009, out of 19 cases it received.⁴⁹³² During the reporting period, the Anti-trafficking in Persons Committee initiated planning for a comprehensive trafficking database though it has not yet been finalized or implemented.⁴⁹³³

Government Policies on the Worst Forms of Child Labor

The National Policy and Plan (NPP) to Eliminate the Worst Forms of Child Labor (2009-2014) is Thailand's comprehensive policy framework to address the Worst Forms of Child Labor. It is designed to protect both Thai and non-Thai children. It was launched on July 24, 2009 in a one-day national workshop and in subsequent provincial workshops.⁴⁹³⁴ The strategy includes targets and measures to guide implementation and monitor results, including on removing and preventing children from the worst forms of child labor, developing and effectively enforcing relevant legislation, and strengthening capacity, amongst others.⁴⁹³⁵ In order to operationalize the women and child labor protection centers and implement the NPP, MOL requested approximately \$709,000 for fiscal year 2011, but was allocated less than \$100,000.⁴⁹³⁶

It is government policy to provide free education for all children, regardless of their legal status. This policy may be particularly critical to assisting ethnic minority, stateless, and migrant children who are the most vulnerable to exploitive labor.⁴⁹³⁷ However, the question of whether this policy has an impact on the worst forms of child labor does not appear to have been addressed.

During the reporting period, the Government extended the entitlement of free education from 12 to 15 years.⁴⁹³⁸ However, despite these positive steps, there are concerns about the effectiveness and implementation of the policies. Factors such as burdensome student documentation/registration requirements, class instruction limited only to Thai language, and lack of appropriate guidance and follow up for teachers limit the effective provision of education for migrant and ethnic minority children.⁴⁹³⁹

Thailand has a National Policy on Prevention and Resolution of Domestic and Cross-Border Trafficking in Children and Women 2005-2010.⁴⁹⁴⁰ Additionally,

a series of agreements dating from 2003 and 2004 between law enforcement, domestic agencies, and local NGOs provide further guidelines for the treatment of trafficked persons and has led to increased domestic coordination on such efforts.⁴⁹⁴¹ The Government has bilateral agreements with Laos, Cambodia, and Vietnam to combat trafficking through regular meetings with partner governments. Implementation of each agreement is overseen by individual country subcommittees of the Coordinating and Monitoring Anti-trafficking in Persons Performance Committee. During the reporting period, the Government signed a new such agreement with Burma.⁴⁹⁴²

The Government plans to carry out a national survey to better understand the specifics of the child labor problem, but has not yet implemented the study.⁴⁹⁴³

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In the mid-1990's, Thailand's efforts to combat the worst forms of child labor began with a focus on child prostitution and trafficking. From 2001 to 2008, Thailand participated in a regional trafficking project that helped build the knowledge base and lay the foundation for current anti-trafficking efforts.⁴⁹⁴⁴ Since then, the Government has expanded its focus and now participates in a \$3.5 million, USDOL-funded project to eliminate child labor in agriculture, fishing, seafood processing, services, and domestic work. There is a special emphasis on migrant and trafficked children. This project played a critical role in designing the NPP and aims to rescue 5,000 from the worst forms of child labor in these sectors.⁴⁹⁴⁵

During 2009, the Government also dispatched mobile units to government agencies and local communities to provide public education programs on the worst forms of child labor, including training on relevant laws and penalties.⁴⁹⁴⁶ In collaboration with the Thai Frozen Food Association, the Government conducted a number of seminars and trainings for shrimp and seafood processing factories to raise awareness on child labor issues.⁴⁹⁴⁷ The Department of Public Welfare and the Department of Skill Development provided vocational training to improve children's skills and to prevent them from entering work prematurely and from engaging in illegal activities.⁴⁹⁴⁸

The Government operates two hotlines to receive complaints about labor violations, including trafficking and other forms of child labor.⁴⁹⁴⁹ Operators receive complaints in Thai or English, languages not spoken by many migrants who may be in need of assistance. Once a complaint is received, it is registered and forwarded on to the appropriate agency or office for follow up.⁴⁹⁵⁰ The Government also operates 109 “one-stop” crisis centers to assist women and child victims of violence and exploitation.⁴⁹⁵¹

The Ministry of Social Development and Human Security Bureau of Anti-Trafficking in Women and Children provides services to trafficking victims, including shelter with separate facilities for males and females and a special facility for males under age

18.⁴⁹⁵² Along with Burma, Cambodia, China, Laos, and Vietnam, Thailand is a signatory to the Coordinated Mekong Ministerial Initiative against Trafficking. The members have a Sub-Regional Plan of Action for 2008-2010 and monitor achievement annually against established targets and indicators of progress.⁴⁹⁵³

While the Government has undertaken selected programs to assist children engaged in or at risk of the worst forms of child labor, social programs and services to children engaged in exploitive labor in agriculture, fish/seafood processing, and domestic service, especially migrant children, are not sufficient to address the extent of the problem and the lack of legal protections for children working in these sectors.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Thailand:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to extend protections to all children working in the worst forms of child labor in agriculture, fishing, and domestic service.
- Draft a more specific list of hazardous occupations and activities for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that there are a sufficient number of labor inspectors to adequately monitor workplaces and that the inspectors speak migrant or ethnic minority languages in areas where these groups constitute large portions of the labor force.
- Collect data on child labor penalties, fines, convictions, and assistance to victims as a result of child labor investigations.
- Use the planned anti-trafficking database to disaggregate data on trafficking victims—including in trafficking investigations and prosecutions—by age and gender.

IN THE AREA OF POLICIES:

- Consider budgetary priorities with a view to fully funding the Ministry of Labor’s request for the National Policy and Plan to Eliminate the Worst Forms of Child Labor.
- Undertake the planned national child labor survey.
- Eliminate factors that limit the ability for migrant children to access education.

IN THE AREA OF SOCIAL PROGRAMS:

- Strengthen efforts to assist migrant and ethnic minority children engaged in or at risk of the worst forms of child labor, including by hiring hotline operators that speak ethnic minority and migrant languages.
- Initiate social programs to serve all children working in at or risk of the worst forms of child labor in agriculture, fishing, seafood processing, and domestic service.

⁴⁸⁸⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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⁴⁸⁹⁰ Surapone Ptanawanit and Saksri Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand: Chiang Rai, Tak, Udon Thani, Songkla, and Pattani*, Bangkok, February 22, 2007, 13, 31, 32, 33, 35, 54. See also ILO, *Out of Work and Into School: Our Development Challenge*, Bangkok, 2006, 37. See also U.S. Embassy- Bangkok, *reporting*, February 21, 2008.

⁴⁸⁹¹ Surapone Ptanawanit and Saksri Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand*. See also ILO, *The Mekong Challenge: Underpaid, Overworked and Overlooked - The Realities of Young Migrant Workers in Thailand*, Bangkok, 2006, xxi. See also Solidarity Center, *The True Cost of Shrimp*, 2008, 18. See also ILO-IPEC, *Support for National Action, Project Document (September 30, 2006)*, 11. See also U.S. Embassy- Bangkok, *reporting*, March 4, 2010.

⁴⁸⁹² ILO, *Underpaid, Overworked and Overlooked*, xxi-xxiii. See also ILO-IPEC, *Support for National Action, Project Document (September 30, 2006)*. See also U.S. Department of State, "Thailand," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 10, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136010.htm>.

⁴⁸⁹³ Surapone Ptanawanit and Saksri Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand*, 13, 29, 31. See also U.S. Embassy- Bangkok, *reporting*, February 21, 2008. See also

Federation of Trade Unions-Burma Migrants Section, *The Mekong Challenge: Working Day and Night, The Plight of Migrant Child Workers in Mae Sot, Thailand*, ILO, Bangkok, 2006; available from <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/workingdayandnight-english.pdf>. See also ILO, *Out of Work and Into School: Our Development Challenge*, 37. See also U.S. Department of State, "Country Reports- 2009: Thailand."

⁴⁸⁹⁴ Surapone Ptanawanit and Saksri Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand*, 13, 29, 31. See also UNICEF, *Begging Some Difficult Questions*, [online] April 2007 [cited December 29, 2008]; available from http://www.unicef.org/thailand/reallives_6619.html. See also Friends-International, *The Nature and Scope of the Foreign Child Beggar Issue (especially as related to Cambodian Child Beggars) in Bangkok*, October 2006; available from <http://www.friends-international.org/resources/thailand/UNAIP-Report.pdf>. See also U.S. Department of State, "Country Reports- 2009: Thailand," section 6, 7d.

⁴⁸⁹⁵ U.S. Embassy- Bangkok, *reporting*, March 4, 2010. See also ILO-IPEC, *Support for National Action, Project Document (September 30, 2006)*.

⁴⁸⁹⁶ UN Human Rights Council, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*, prepared by Juan Miguel Petit, pursuant to Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled "Human Rights Council", March 15, 2007, 53-55; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/119/21/PDF/G0711921.pdf?OpenElement>. UNICEF, *Begging Some Difficult Questions*. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children*, Bangkok, 2006; available from http://www.ecpat.net/A4A_2005/PDF/EAP/Global_Monitoring_Report-THAILAND.pdf.

⁴⁸⁹⁷ ILO Committee of Experts, *Individual Observation, Worst forms of Child Labour Convention, 1999 (No. 182) Thailand (ratification: 2001)*, [online] 2009; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=st&atus01&textbase=iloeng&document=11127&chapter=6&query=%28C182%29+%40ref+%2B+%28Thailand%29+%40ref+%2B+%23YEAR%3D2009&highlight=&query type=bool&context=0>.

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⁴⁸⁹⁹ U.S. Department of State, “Country Reports- 2009: Thailand.” See also ECPAT International, *Global Monitoring Report on CSEC*, 12.

⁴⁹⁰⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Thailand.” See also ECPAT International, *Global Monitoring Report on CSEC*, 12. See also U.S. Embassy- Bangkok, *reporting*, June 9, 2008.

⁴⁹⁰¹ U.S. Embassy- Bangkok, *reporting*, June 9, 2008. See also UN Human Rights Council, *Report of the Special Rapporteur*, 53. See also ILO, *Underpaid, Overworked and Overlooked*. See also Federation of Trade Unions-Burma Migrants Section, *The Plight of Migrant Child Workers in Mae Sot, Thailand*.

⁴⁹⁰² Child Rights Information Network, “Thailand: Training of ‘child soldiers’ condemned”, Crinmail 952, [online], January 29, 2008 [cited February 12, 2010]; available from http://www.crin.org/email/crinmail_detail.asp?crinmailID=2583. See also U.S. Embassy- Bangkok, *reporting*, March 4, 2010. See also Coalition to Stop the Use of Child Soldiers, “Thailand,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

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⁴⁹⁰⁵ Government of Thailand, *Child Protection Act*, (2003), article 26, 78.

⁴⁹⁰⁶ Government of Thailand, *Labour Protection Act*, chapter 1, section 22.

⁴⁹⁰⁷ *Ibid.*, section 22. See also ILO NATLEX National Labor Law Database, *Ministerial Regulation No. 9 issued under the Labour Protection Act*, accessed February 12, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=53169. See also U.S. Embassy- Bangkok, *reporting*, January 30, 2009. See also David Taijgman, *Extending Labour Law to All Workers: Promoting Decent Work in the Informal Economy in Cambodia, Thailand and Mongolia*, ILO, Bangkok, January 1, 2006. See also ILO, *Minister Opens Discussions on Extending Protection to Millions of Informal Economy Workers*, [online] June 30, 2005 [cited February 12, 2010]; available from http://www.ilo.org/asia/info/public/pr/lang--en/WCMS_BK_PR_135_EN/index.htm.

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⁴⁹¹⁴ *Ibid.*

⁴⁹¹⁵ *Ibid.* See also ILO-IPEC, *Support for National Action to Combat Child Labor and its Worst Forms in Thailand*, Technical Progress Report, March 5, 2010.

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⁴⁹⁴⁹ U.S. Embassy- Bangkok, *reporting, March 4, 2010*.

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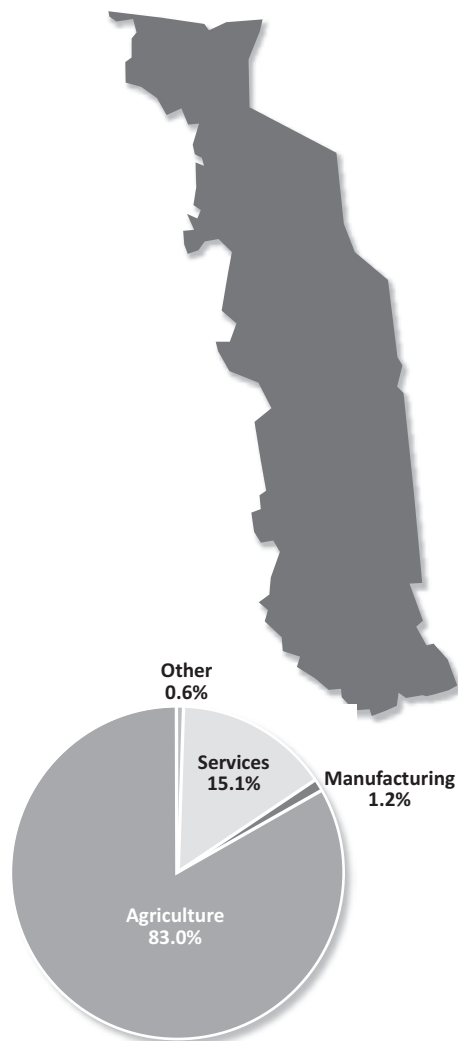
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Togo

The Government of Togo has established regional child labor committees and mainstreamed child labor concerns into its Education for All Program, Poverty Reduction Strategy Paper, and United Nations Development System Framework. Despite such efforts, Togo does not have a current National Action Plan on Child Labor and has not committed the necessary resources to enforce its child labor laws. It did not conduct any formal investigations of child labor during the reporting period, although many children continue to work in the worst forms of child labor, particularly in hazardous agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	32.7%
Attending School	5-14 yrs.	72.4%
Combining Work and School	7-14 yrs	27.2%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor in Togo,⁴⁹⁵⁴ including in agriculture and domestic service. Roughly half of all working children raise livestock and are engaged in agriculture, harvesting goods such as cotton, cocoa, and coffee.⁴⁹⁵⁵ Children working in agriculture may perform physically arduous tasks and risk occupational injury and disease from exposure to dangerous tools, insecticides, and herbicides.⁴⁹⁵⁶ Approximately one-third of working children are employed as domestic servants. The majority are girls age 5 to 14. Child domestics may work long hours and be subjected to physical and sexual exploitation by their employer.⁴⁹⁵⁷ Children earn money performing a variety of other activities which could pose risks to their health and well-being. Such work includes capturing crabs, often times at

night. Children also work in the streets as porters and small-scale traders. Street work exposes children to a variety of risks, which may include inclement weather, vehicular accidents, and exploitation by criminals.⁴⁹⁵⁸

Children in Togo work in rock quarries, transporting heavy loads of stones, and extracting sand used for construction.⁴⁹⁵⁹ Children do electrical work and repair cars, sometimes without protective gear.⁴⁹⁶⁰ Children are also involved in prostitution, and in the sex tourism industry in Lome.⁴⁹⁶¹

Children in Togo are also found in other activities constituting the worst forms of child labor, such as forced begging. The practice of sending Muslim boys to Koranic teachers to study the Koran, which may include a vocational or apprenticeship component, is a tradition in certain communities in Togo, and is especially common in Togo's Savanes region.⁴⁹⁶² While

some of these boys receive lessons, others are forced by their teachers to perform manual labor, including agricultural work that may pose health and safety risks.⁴⁹⁶³

Children in Togo are trafficked for forced labor in domestic service and commercial sexual exploitation.⁴⁹⁶⁴ In the Maritime, West, Central, and Kara regions, girls are frequently trafficked for domestic service, market work, portering, and commercial sexual exploitation.⁴⁹⁶⁵ The customary practice of “amegbonovi” or “confiage,” which involves sending a child to a relative or friend for school, may place children at risk of exploitation by internal trafficking of children.⁴⁹⁶⁶ Children are also trafficked from Togo’s central and northern villages to other African nations, chiefly Nigeria, where they work on plantations, in stone quarries, markets, and homes.⁴⁹⁶⁷ Some Togolese boys are trafficked to Côte d’Ivoire for forced labor in fishing and construction.⁴⁹⁶⁸ Children are also trafficked to Benin, Burkina Faso, Ghana, Niger, Gabon, the Republic of Congo, and Europe.⁴⁹⁶⁹






Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of 2006 sets the minimum age for employment at 15.⁴⁹⁷⁰ Law 1464 sets the minimum age for certain industrial and technical employment, including most hazardous work, at 18.⁴⁹⁷¹

The Labor Code and Law 1464 also prohibit excessive work hours and night work for children, as well as forced and obligatory labor, and the worst forms of child labor as defined in ILO Convention 182.⁴⁹⁷² However, these laws do not establish penalties for employing children in hazardous child labor or work at night.⁴⁹⁷³ The Labor Code does not define forced and obligatory labor, and does not impose penalties sufficient to deter it. Violators can receive three to six months’ imprisonment, a fine, or both.⁴⁹⁷⁴

An additional law, the Child Code of 2007 further defines the worst forms of child labor, stiffens penalties for noncompliance with the minimum age law, and prohibits the commercial sexual exploitation of children, including child pornography, child sex tourism, and the use of children in illicit activities.⁴⁹⁷⁵ The Law for the Repression of Child Trafficking and the Child Code prohibit the trafficking of children

for the purposes of commercial sexual exploitation, forced labor, and slavery, and establish penalties for violations.⁴⁹⁷⁶

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

In 2001 the Government created the National Steering Committee for the Prohibition and Elimination of the Worst Forms of Child Labor to coordinate and supervise national efforts to combat the worst forms of child labor. The Child Labor Unit of the Ministry of Labor (MOL) acts as its secretariat.⁴⁹⁷⁷ The National Steering Committee’s responsibilities include promoting child labor legislation, mobilizing resources, and collecting data. However its actions to date have been limited to evaluating and approving NGO action programs to eliminate child labor. Members of the National Steering Committee attribute this shortcoming to their lack of financial resources.⁴⁹⁷⁸ Its secretariat, the Child Labor Unit, is supposed to be staffed by a labor inspector, a sociologist, a jurist, an occupational physician, and a statistician; however this unit has only one staff member and is not allocated a budget.⁴⁹⁷⁹

In 2009, the MOL established child labor committees in each of the five regions of Togo to coordinate child

labor efforts and raise awareness. These committees include representatives from several ministries, the National Council of Employers, the National Committee for Children, unions, and NGOs.⁴⁹⁸⁰ Reportedly the regional child labor committees do not coordinate their efforts or share information with the National Steering Committee.⁴⁹⁸¹

The National Committee for the Reception and Social Reinsertion of Trafficked Children (CNARSEVT) is the focal point for trafficking information and statistics. The MOL Child Labor Unit is responsible for assisting CNARSEVT.⁴⁹⁸² Reports indicate that CNARSEVT has not been able to effectively track trafficking cases, is ill-equipped, lacking ink to print documents and access to the Internet to easily share them, and is not provided with timely and accurate statistics from Togolese ministries. Despite these obstacles, this Committee assisted local officials in the repatriation of 52 trafficked children during the reporting period.⁴⁹⁸³

The MOL with its 26 labor inspectors is also responsible for inspecting work conditions throughout Togo.⁴⁹⁸⁴ At the local level, parent and student associations and village development committees also monitor the child labor situation.⁴⁹⁸⁵ The Ministry of Social Action and National Solidarity (MASSN) is in charge of enforcing laws related to the worst forms of child labor and maintains two social workers on-call 24 hours a day to assist trafficking victims.⁴⁹⁸⁶ In 2009, the MASSN held a workshop on how to identify victims of trafficking and provided training in Kara and Lome to lawyers, paralegals, magistrates, police, and notaries on the Child Code.⁴⁹⁸⁷

The police “Brigade de Protection des Mineurs,” (Child Protection Unit) and immigration officials work with the MASSN to investigate criminal violations relating to the worst forms of child labor.⁴⁹⁸⁸ The Child Protection Unit, which consists of five police, two social service agents, a nurse, eight prison guards, and one psychologist, manages child trafficking cases and with the assistance of the Ministry of Justice, refers trafficking victims to appropriate services.⁴⁹⁸⁹ In some cases, the Child Protection Unit lacks resources to conduct investigations, and must respond to calls in taxis and personal cars at their own expense.⁴⁹⁹⁰

During the reporting period, the Government did not conduct any formal child labor investigations. Although 13 traffickers were arrested and 10 were in prison awaiting sentences, it is unclear whether these cases involved the trafficking of children.⁴⁹⁹¹ In Togo, there is no reporting system for trial court convictions in the interior of the country.⁴⁹⁹² Furthermore, knowledge of the different laws protecting children among law enforcement personnel varies from region to region. The Maritime and Savanes regions’ staff do not have copies of many child labor laws to guide law enforcement personnel.⁴⁹⁹³

Government Policies on the Worst Forms of Child Labor

The Government is currently drafting the National Action Plan on Child Labor, so the existing National Strategy on Eliminating Child Labor through Education, Training, and Apprenticeship (2006) is the primary government policy instrument to prevent and eliminate child labor in Togo.⁴⁹⁹⁴ This strategy addresses root causes of child labor such as poverty, weak education institutions, and the lack of access to education due to high school fees and associated costs.⁴⁹⁹⁵ Implemented by ILO-IPEC, this strategy supports universal basic education and education reform, and strengthens the capacity of parents and teachers to combat exploitive child labor through awareness raising. The strategy includes specific interventions to assist working children and promotes education, but does not target sectors in which children are engaged in the worst forms of child labor nor include programs to withdraw children from exploitive labor.⁴⁹⁹⁶

Togo also has a National Plan of Action on Child Trafficking, which calls for legal and health services, including feeding and psychosocial support for child trafficking victims, and awareness raising activities for local communities and border officials. The plan prioritizes the education of children and improving of livelihoods for families; and calls for the establishment of structures to monitor the trafficking of children.⁴⁹⁹⁷

During the reporting period, the Government adopted the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under

ECOWAS. This agreement explicitly targets, among others, victims of exploitive labor and hazardous child labor and also includes provisions to combat the trafficking of children for begging purposes.⁴⁹⁹⁸ The agreement builds on the framework developed under the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.⁴⁹⁹⁹

Child labor concerns are mainstreamed into Togo's Education for All Program, Poverty Reduction Strategy Paper, and United Nations Development System Framework (2008-2012).⁵⁰⁰⁰

The establishment of child labor policies and the inclusion of child labor as a priority in development goals are important accomplishments; however, the policies mentioned do not have concrete action plans with precise timeframes and estimated costs, limiting their ability to combat the worst forms of child labor.⁵⁰⁰¹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Togo has participated in the implementation of programs to eliminate child labor through a longstanding partnership with ILO-IPEC primarily to combat the trafficking of children.⁵⁰⁰² From October 1999 to December 2007, the Government's efforts to eliminate child labor have largely been implemented by internationally-sponsored initiatives including the DOL-funded Combating Child Trafficking in Togo through Education (COMBAT) and Combating Trafficking in Children for Labor Exploitation in West and Central Africa (LUTRENA) projects in support of the National Plan of Action on Child Trafficking. The COMBAT and LUTRENA projects withdrew and prevented a combined total of more than 17,000 children from trafficking into exploitive child labor and other worst forms of child labor.⁵⁰⁰³

The current 4-year, USDOL-funded \$5 million CECLET project, launched in 2007 supports the

Government's past efforts by aiming to withdraw 4,000 children and prevent 6,000 children from exploitive child labor in urban informal sectors, domestic service, hazardous rural agriculture, trafficking, and commercial sexual exploitation.⁵⁰⁰⁴ Similar initiatives to combat the worst forms of child labor include the 4-year, \$5.3 million regional project funded by the Government of France which provides educational services, including vocational training, as an alternative to early work and the worst forms of child labor.⁵⁰⁰⁵ The Government is also involved in a 2-year, \$ 2.8 million regional program to combat trafficking in children for labor exploitation in West Africa funded by the Government of Denmark. Togo also participated in the World Day against Child Labor and assisted IPEC in its campaign to raise awareness.⁵⁰⁰⁶

The Government was also involved in several initiatives to combat the trafficking of children. For instance, the Government, in cooperation with Terres des Hommes, contributed to an ongoing project to prevent child trafficking, and rehabilitate and reintegrate victims.⁵⁰⁰⁷ The MASSN established a toll-free hotline staffed by government personnel to report cases of violence against children, including trafficking. The number "ALLO 111" received over 1300 calls in 2009 and is jointly funded by Togo Telecom, private cell phone companies, UNICEF, and NGOs.⁵⁰⁰⁸ Furthermore, in December 2009, the Government announced the creation of a fund to provide medical, psychological, and legal services for the indigent, including victims of trafficking.⁵⁰⁰⁹

In 2009, Togo also signed bilateral and multilateral agreements to prevent trafficking in persons through better border monitoring with the governments of Ghana, Benin, and Nigeria. These agreements also include repatriation for victims and extradition of traffickers to their country of nationality.⁵⁰¹⁰

However, Togo's social programs to combat trafficking and the worst forms of child labor do not match the scope of the problem and rely largely on NGOs and international organizations for implementation; as a result, many of these interventions may not be sustainable.⁵⁰¹¹

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Togo:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish penalties for violations of the laws governing hazardous child labor and children working at night.
- Clearly define forced and obligatory labor.
- Include sufficient penalties for violations of forced labor provisions.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Promote coordination and information-sharing between the regional child labor committees and the National Steering Committee.
- Develop case tracking procedures information-sharing guidelines for ministries involved in the National Committee for Receiving and Socially Rehabilitating Victims of Child Trafficking.
- Provide the Child Labor Unit, National Steering Committee, and the National Committee for Receiving and Socially Rehabilitating Victims of Child Trafficking with sufficient financial and human resources to implement their mandate and carry out daily tasks.
- Strengthen measures to investigate, prosecute, and convict individuals involved in the worst forms of child labor, including by:
 - Providing regular training for personnel charged with the enforcement of child labor laws.
 - Providing child labor enforcement agencies with adequate resources to conduct investigations.
 - Creating a system for reporting court convictions from trials in the interior of the country.
 - Ensuring that all law enforcement personnel have access to child labor law reference materials and are aware of the different laws protecting children.

IN THE AREA OF POLICY:

- Ratify and implement the National Action Plan on Child Labor.
- Strengthen the National Strategy on Eliminating Child Labor through Education, Training and Apprenticeship, and National Plan of Action on Child Trafficking, including by:
 - Addressing the unique situation of children working in the worst forms of child labor.
 - Developing timeframes and budgets for each intervention.

IN THE AREA OF PROGRAMS:

- Ensure that the Government's social protection programs to combat the worst forms of child labor are sufficient to promote the long-term sustainability of project initiatives.

⁴⁹⁵⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁹⁵⁵ ILO-IPEC, *Combating Exploitative Child Labour in Togo through Education*, Project Document, Geneva, September 2008, 9. See also General Directorate of Statistics and National Accounting, *Report on the Census of the Potential Beneficiaries of the Project: Fight against Child Labour through Education in Togo*, Lome, March, 2009, annex II. See also U.S. Embassy- Lome official, E-mail communication to USDOL official, March 23, 2010. See also U.S. Embassy- Lome, *reporting*, February 6, 2009, para 15.

⁴⁹⁵⁶ ILO-IPEC, *Combating Exploitative Child Labour through Education*, Project Document (September 2008), 9. See also General Directorate of Statistics and National Accounting, *Report on the Census of the Potential Beneficiaries of the Project*, annex II. See also U.S. Embassy- Lome official, E-mail communication, March 23, 2010.

⁴⁹⁵⁷ Kevin Sullivan, "In Togo, a 10-Year-Old's Muted Cry: 'I Couldn't Take Any More'," *Washington Post* (Washington, DC), December 26, 2008; available from <http://www.washingtonpost.com/wp-dyn/content/article/2008/12/25/AR2008122501198.html>. See also Integrated Regional Information Networks, "Togo: How to improve a 'worst form of labour'", IRINnews.org, [online], December 31, 2008 [cited October 23, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=82159>. See also General Directorate of Statistics and National Accounting, *Report on the Census of the Potential Beneficiaries of the Project*, annex II. See also Direction Generale de la Statistique et de la Comptabilite Nationale, *Rapport de l'Enquete de Base sur le Travail des Enfants au Togo*, July, 2010, 50-51.

⁴⁹⁵⁸ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Togo (ratification: 2000)*, [online] 2009 [cited October 27, 2009]; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1426&chapter=16&query=C182%40ref%2B%23YE](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1426&chapter=16&query=C182%40ref%2B%23YEAR%3D2009&highlight=&querytype=bool&context=0)

See also ILO-IPEC, *Combating Exploitative Child Labour through Education*, Project Document (September 2008), 9. See also Government of Togo, *La Politique Nationale de Protection de l'Enfant*, December 2008, 22. See also FAO, Sida, and Norwegian Ministry of Foreign Affairs, *Fisheries and HIV/AIDS in Africa: Investing in sustainable solutions*, Workshop on child labour in fisheries and aquaculture, April 14-16, 2010; available from http://www.fao-ilo.org/fileadmin/user_upload/fao_ilo/pdf/WorkshopFisheries2010/WFPresentations/KHolvoetChildLabour_HIVAIDS.pdf.

⁴⁹⁵⁹ U.S. Embassy- Lome, *reporting*, February 1, 2010, section 16. See also U.S. Embassy- Lome official, E-mail communication, March 23, 2010.

⁴⁹⁶⁰ ILO Committee of Experts, *Individual Direct Request C182: Togo (2009)*. See also ILO-IPEC, *Combating Exploitative Child Labour through Education*, Project Document (September 2008), 10.

⁴⁹⁶¹ Nicholas Martin-Achard and Hadrien Bonnaud, *UNICEF-supported centre helps rehabilitate child sex workers in togo*, [online] 2008 [cited November 16, 2009]; available from www.unicef.org/protection/togo_46986.html?q=printme. See also ECPAT, *Togo: Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children*, 2007, 11-13; available from http://www.ecpat.net/A4A_2005/PDF/AF/Global_Monitoring_Report-TOGO.pdf. See also Direction Generale de la Statistique et de la Comptabilite Nationale, *Rapport de l'Enquete de Base sur le Travail des Enfants au Togo*, 87.

⁴⁹⁶² Peter Easton, "Education and Koranic Literacy in West Africa," no. 11 (August, 1999), 1, 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also Government of Togo, *La Politique Nationale de Protection de l'Enfant*, 22.

⁴⁹⁶³ IOM, *Traditional Practices being Abused to Exploit Children in West Africa, Warns IOM*, [online] [cited August 30, 2010]; available from <http://www.iom.int/jahia/Jahia/newsArticleAF/cache/offonce?entryId=12007>.

⁴⁹⁶⁴ U.S. Department of State, "Togo (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also U.S. Embassy- Lome, *reporting*, February 18, 2010, section 3b.

⁴⁹⁶⁵ UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, Geneva, September 2006, 12, 30; available from www.unodc.org/documents/human-trafficking/ht_research_report_nigeria.pdf. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Togo." See also Alice Behrendt and Serigne Mor Mbaye, *L'impact psychosocial de la traite sur les enfants dans la région des Plateaux et la région Centrale au Togo*, 2008, 53; available from www.crin.org/docs/study_report_Togo.pdf. See also U.S. Department of State, "Togo," in *Country Reports on Human Rights Practices- 2009*,

Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

⁴⁹⁶⁶ Integrated Regional Information Networks, “Togo: How to improve a ‘worst form of labour’”. See also U.S. Embassy- Lome, *reporting, February 18, 2010*, para 3e. See also ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 11-12.

⁴⁹⁶⁷ Behrendt and Mbaye, *L’impact psychosocial de la traite*, 52-54. See also Integrated Regional Information Networks, “Togo: Law of silence trumps anti-trafficking rule”, IRINnews.org, [online], January 9, 2009 [cited March 22, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=82260>. See also Integrated Regional Information Networks, “Togo: Inoussa Bouberi, ‘I have smuggled more than 100 children’”, IRINnews.org, [online], January 12, 2009 [cited October 23, 2009]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=82314>. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Togo.”

⁴⁹⁶⁸ U.S. Department of State, “Cote d’Ivoire (Tier 2 Watch List),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009, 114; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/>.

⁴⁹⁶⁹ U.S. Embassy- Lome, *reporting, February 18, 2010*, section 3b. See also Integrated Regional Information Networks, “Congo: Tackling child trafficking”, IRINnews.org, [online], July 16, 2008 [cited January 27, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=79284>. See also UNODC, *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, 12, 30. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Togo.” See also Behrendt and Mbaye, *L’impact psychosocial de la traite*, 53. See also Direction Generale de la Statistique et de la Comptabilite Nationale, *Rapport de l’Enquete de Base sur le Travail des Enfants au Togo*, 92.

⁴⁹⁷⁰ Government of Togo, *Code du travail*, (December 5, 2006), title V, chapter IV, article 150, 151; available from www.droit-afrique.com/images/textes/Togo/Togo%20-%20Code%20du%20travail.pdf.

⁴⁹⁷¹ Government of Togo, *Arrete No. 1464 Déterminant les travaux interdits aux enfants conformément au point 4 de l’article 151 de la loi No 2006-010 du 13 decembre 2006 portant code du travail*, (November 12, 2007), article 6, tableau des travaux dangereux; available from <http://www.republioftogo.com/>.

⁴⁹⁷² Government of Togo, *Code du Travail 2006*, article 4, 145, 151, 154. See also Government of Togo, *Déterminant les travaux interdits aux enfants*, article 2-5, 6-12.

⁴⁹⁷³ Government of Togo, *Code du Travail 2006*, article 151, 295. See also Government of Togo, *Déterminant les travaux interdits aux enfants*, article 3.

⁴⁹⁷⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Togo.” See also Government of Togo, *Code du Travail 2006*, article 4.

⁴⁹⁷⁵ Government of Togo, *Loi n. 2007-017 portant code de l’enfant*, (July 6, 2007), chapter II, article 387-389, 392, 394, chapter III, article 405; available from [URL](#).

⁴⁹⁷⁶ Ibid., chapter IV, article 411-420. See also U.S. Department of State, “Country Reports- 2009: Togo,” section 6.

⁴⁹⁷⁷ ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 15. See also Stephane Jeannet, *USDOL-managed External Midterm Evaluation of the Combating Exploitive Child Labor in Togo through Education Project (CECLET)*, Geneva, June 15, 2010, 31, 35-37. See also Kokou Agbodan, *Etude sur l’analyse des dispositifs regionaux, prefectoraux et communautaires de collecte et de gestion de donnees sur le travail des enfants au Togo*, ILO-IPEC, Lome, January, 2010, 21.

⁴⁹⁷⁸ Jeannet, *USDOL-managed External Midterm Evaluation of the Combating Exploitive Child Labor in Togo through Education Project (CECLET)*, 31, 36-37. See also Agbodan, *Etude sur l’analyse des dispositifs regionaux, prefectoraux et communautaires de collecte et de gestion de donnees sur le travail des enfants au Togo*, 21.

⁴⁹⁷⁹ Jeannet, *USDOL-managed External Midterm Evaluation of the Combating Exploitive Child Labor in Togo through Education Project (CECLET)*, 37.

⁴⁹⁸⁰ U.S. Embassy- Lome, *reporting, February 1, 2010*, section 13. See also ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 15. See also Jeannet, *USDOL-managed External Midterm Evaluation of the Combating Exploitive Child Labor in Togo through Education Project (CECLET)*, 31, 35-37. See also Agbodan, *Etude sur l’analyse des dispositifs regionaux, prefectoraux et communautaires de collecte et de gestion de donnees sur le travail des enfants au Togo*, 21.

⁴⁹⁸¹ Jeannet, *USDOL-managed External Midterm Evaluation of the Combating Exploitive Child Labor in Togo through Education Project (CECLET)*, 35.

⁴⁹⁸² ILO Committee of Experts, *Individual Direct Request C182: Togo (2009)*. See also U.S. Embassy- Lome, *reporting, February 18, 2010*, section 3a. See also ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 15. See also U.S. Embassy- Lome official, E-mail communication to USDOL official, November 18, 2010.

⁴⁹⁸³ U.S. Embassy- Lome, *reporting, February 18, 2010*, section 3a. See also Child Rights Information Network, “Togo: Anti-trafficking law alters routes, not flow”, crin.org, [online], January 13, 2009 [cited December 28, 2009];

available from <http://www.crin.org/resources/infoDetail.asp?ID=19349&flag=news>.

⁴⁹⁸⁴ U.S. Embassy- Lome, *reporting, February 1, 2010*, section 8.

⁴⁹⁸⁵ Agbodan, *Etude sur l'analyse des dispositifs regionaux, prefectoraux et communautaires de collecte et de gestion de donnees sur le travail des enfants au Togo*, 19-20.

⁴⁹⁸⁶ U.S. Embassy- Lome, *reporting, February 1, 2010*, section 4. See also U.S. Department of State, "Togo," in *Trafficking in Persons Report- 2009*, Washington, DC, June, 2009, 283; available from <http://www.state.gov/documents/organization/123357.pdf>. See also U.S. Embassy- Lome official, E-mail communication, November 18, 2010.

⁴⁹⁸⁷ U.S. Embassy- Lome, *reporting, February 18, 2010*, 27f.

⁴⁹⁸⁸ U.S. Embassy- Lome, *reporting, February 1, 2010*, section 8. See also U.S. Embassy- Lome, *reporting, February 6, 2009*, section 8.

⁴⁹⁸⁹ UNODC, *Global Report on Trafficking in Persons*, February, 2009; available from http://www.ungift.org/docs/ungift/pdf/humantrafficking/Global_Report_on_TIP.pdf. See also Government of Togo, *La Politique Nationale de Protection de l'Enfant*, 27. See also U.S. Embassy- Lome, *reporting, February 18, 2010*, 26b-c.

⁴⁹⁹⁰ U.S. Embassy- Lome, *reporting, February 6, 2009*, section 7.

⁴⁹⁹¹ U.S. Embassy- Lome, *reporting, February 1, 2010*, section 9. See also U.S. Embassy- Lome, *reporting, February 18, 2010*, section 5e. See also U.S. Department of State, "Country Reports- 2009: Togo," section 7.

⁴⁹⁹² U.S. Department of State, "Trafficking in Persons Report- 2010: Togo."

⁴⁹⁹³ Agbodan, *Etude sur l'analyse des dispositifs regionaux, prefectoraux et communautaires de collecte et de gestion de donnees sur le travail des enfants au Togo*, 25-26.

⁴⁹⁹⁴ ILO-IPEC, *Strategie nationale pour l'elimination du travail des enfants a travers l'education, la formation professionnelle et l'apprentissage*, October 2006. See also ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 17. See also Jeannet, *USDOL-managed External Midterm Evaluation of the Combating Exploitive Child Labor in Togo through Education Project (CECLET)*, 8, 41. See also ILO-IPEC, *Combating Exploitative Child Labour in Togo through Education*, Status Report, July 30, 2010, 4.

⁴⁹⁹⁵ ILO-IPEC, *Strategie nationale pour l'elimination du travail des enfants a travers l'education, la formation professionnelle et l'apprentissage*, 3-5.

⁴⁹⁹⁶ ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 17. See also ILO-IPEC, *Strategie nationale pour*

l'elimination du travail des enfants a travers l'education, la formation professionnelle et l'apprentissage, 17-27.

⁴⁹⁹⁷ Government of Togo, *Plan National d'Action de Lutte Contre La Traite des Enfants a des Fins d'Exploitation de Leur Travail*, October 4, 2001; available from [URL](http://www.ilo.org). See also ILO-IPEC, *Combating the trafficking of children for labour exploitation in West & Central Africa: Phase I & II*, Geneva, July 2001, 8.

⁴⁹⁹⁸ ECOWAS Commission, *Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa*, April, 2009; available from [hard copy on file]. See also ECOWAS, *Regulation C/REG.7/05/09 Relating to the Adoption of the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa*, C/REG.7/05/09, 62 (May 26, 2009); available from [hard copy on file].

⁴⁹⁹⁹ ECOWAS Commission, *Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa*. See also ECOWAS, *Regulation C/REG.7/05/09*.

⁵⁰⁰⁰ IMF, *Togo: Interim Poverty Reduction Strategy Paper*, April 2008; available from <http://www.imf.org/external/pubs/ft/scr/2008/cr08144.pdf>. See also UN, *Plan Cadre des Nations Unies Pour l'Aide au Developpement Au Togo (UNDAF) 2008-2012*, Lome, April, 06 2007, 39; available from <http://www.undg.org/docs/7861/UNDAF-TOGO%202008-2012%2006%20avril%20%2007.pdf>. See also World Bank, *Education for All: Fast Track Initiative Catalytic Fund: Togo*, June, 2009; available from http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2010/01/12/000262044_20100114094733/Rendered/PDF/PID0Concept0Stage0Togo0EFA1FTI.pdf.

⁵⁰⁰¹ ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, 17. See also ILO-IPEC, *Strategie nationale pour l'elimination du travail des enfants a travers l'education, la formation professionnelle et l'apprentissage*, 17-27. See also Government of Togo, *Plan National d'Action de Lutte Contre La Traite des Enfants a des Fins d'Exploitation de Leur Travail*, 8.

⁵⁰⁰² ILO-IPEC, *Combating the trafficking of children for labour exploitation: Phase I & II (July 2001)*, 8.

⁵⁰⁰³ USDOL, *Combating Trafficking in Children for Labor Exploitation in West and Central Africa, Phases 1 & 2 (LUTRENA)*, Technical Cooperation Project Summary, 2007. See also USDOL, *Combating Child Trafficking in Togo through Education (COMBAT)*, Technical Cooperation Project Summary, 2006.

⁵⁰⁰⁴ ILO-IPEC, *Combating Exploitative Child Labour through Education, Project Document (September 2008)*, i, 34-35.

⁵⁰⁰⁵ ILO-IPEC, *La Formation Professionnelle et l'Apprentissage: Une alternative au travail precoc et aux*

pires formes de travail des enfants en afrique francophone, January, 2009; available from www.ilo.org/ipecinfo/product/viewProduct.do?productId=9330. See also ILO-IPEC official, E-mail communication to USDOL official, September 1, 2010. See also ILO-IPEC official, E-mail communication to USDOL official, July 17, 2010.

⁵⁰⁰⁶ ILO-IPEC, *Action against child labor: IPEC Highlights 2008*, Geneva, 2009; available from [http://www.ilo.org/public/libdoc/ilo/P/09322/09322\(2008\)highlights.pdf](http://www.ilo.org/public/libdoc/ilo/P/09322/09322(2008)highlights.pdf). See also ILO-IPEC, *Combating Exploitative Child Labour in Togo through Education*, Technical Progress Report, Geneva, September 2, 2009. See also ILO-IPEC official, E-mail communication, September 1, 2010. See also ILO-IPEC official, E-mail communication, July 17, 2010.

⁵⁰⁰⁷ Terre des Hommes, *INFO Togo: Combating Child Trafficking and Exploitation: Special Medical Treatment*,

[online] [cited December 31, 2009]; available from [http://www.tdh.ch/website/doc_dnld.nsf/bf25ab0f47ba5dd785256499006b15a4/94345df3990ab24cc1257608004adde0/\\$FILE/tdh_info_togo_2009_en.pdf](http://www.tdh.ch/website/doc_dnld.nsf/bf25ab0f47ba5dd785256499006b15a4/94345df3990ab24cc1257608004adde0/$FILE/tdh_info_togo_2009_en.pdf).

⁵⁰⁰⁸ U.S. Department of State, “Trafficking in Persons Report- 2009: Togo,” 284. See also U.S. Embassy- Lome, *reporting*, January 23, 2009. See also U.S. Embassy- Lome, *reporting*, February 18, 2010, section 6f.

⁵⁰⁰⁹ U.S. Embassy- Lome, *reporting*, February 18, 2010, section 6c.

⁵⁰¹⁰ *Ibid.*, section 4d.

⁵⁰¹¹ U.S. Department of State, “Trafficking in Persons Report- 2010: Togo.”

Tonga

The Government of Tonga increased the compulsory school age to 18. There are anecdotal reports of children engaged in farming and fishing. There are gaps in the legal framework to protect children against labor exploitation as the Government has not yet set a minimum age for employment. The lack of evidence of worst forms of child labor may be an indicator of a small or hidden problem.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor




There is little available information about the extent and nature of the worst forms of child labor in Tonga.⁵⁰¹² However, there are anecdotal reports that children engage in farming and fishing.⁵⁰¹³ Children engaged in agriculture may be exposed to chemicals, injured by dangerous machinery or tools, and suffer physical harm from repetitive motions and carrying excessively heavy loads, while children involved in fishing are at risk of injuries and drowning.

There have also been reports of foreign fishing crews soliciting girls for sexual exploitation.⁵⁰¹⁴

Laws and Regulations on the Worst Forms of Child Labor

There is no legislation that specifies a minimum age for work or hazardous forms of work.⁵⁰¹⁵

The *Constitution of Tonga* prohibits forced or compulsory work, including slavery.⁵⁰¹⁶ The *Criminal Offenses Act* prohibits the owning and/or operating of a brothel, pimping, and soliciting a prostitute in a public place. The *Act* also prohibits the abduction of girls under age 14, and the procurement or attempt at

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	None
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	18
	Free Public Education	Yes

procurement of any girl under age 21 for prostitution either within or outside the country.⁵⁰¹⁷ However, the Act does not prohibit the abduction of boys, nor procurement or the attempt to procure boys for prostitution. Without specifically addressing gender, Tonga's Transnational Crimes Act does prohibit the

trafficking and attempt at trafficking of both adults and minors across Tonga's borders.⁵⁰¹⁸ The Tonga law also explicitly prohibits child pornography.⁵⁰¹⁹

There is no military conscription in Tonga. The minimum age for voluntary service is age 18, but with parental approval. Children as young as age 16 can join the military in non-combat positions.⁵⁰²⁰

No other legal restrictions on the work that children may perform could be identified.

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tonga has established a mechanism to coordinate government efforts to combat worst forms of child labor.⁵⁰²¹ Tonga does not have any labor inspectors; complaints regarding prohibited worst forms of child labor are handled by the Ministry of Labor or the Ministry of Police.⁵⁰²² No official statistics are available on the number of investigations into prohibited worst forms, but the head of the police force's domestic violence unit estimates that two or three investigations are conducted each year.⁵⁰²³ The Department of Immigration, Ministry of Police, Crown Law Office,

Tonga Defense Services, resident embassies, and high commissions share information related to criminal matters, including human trafficking.⁵⁰²⁴

Government Policies on the Worst Forms of Child Labor

The worst forms of child labor are not a direct focus of government policies.⁵⁰²⁵

Among its objectives, the Strategic Development Plan Eight (2006-2009), aimed to improve educational standards for children and youth.⁵⁰²⁶ This appears to be a long-standing objective. The Ministry of Education's 1996 Strategic Plan sought to increase the compulsory school age to 17 by 2010, and to establish universal access to quality education up to that age.⁵⁰²⁷ The Government has raised the compulsory school age to 18.⁵⁰²⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence that the Government of Tonga has established programs to combat the worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Tonga:

IN THE AREA OF LAWS AND REGULATIONS:

- Establish a minimum age for employment and a higher minimum age for hazardous work.
- Define hazardous occupations and activities forbidden for children.
- Amend legislation to include boys as victims in prohibitions on abduction and procuring or attempting to procure a child for prostitution.
- Increase the minimum age for military service to 18.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish enforcement mechanism for prohibitions on forced and compulsory labor.
- Ensure enforcement capacity for any new child labor laws enacted.
- Maintain records of investigations into prohibited worst forms of child labor.

IN THE AREA OF POLICIES:

- Conduct a study to better identify the extent and nature of the worst forms of child labor in Tonga.
- In the area of social programs:
- Use the results of the study to consider whether the worst forms of child labor require a dedicated policy and program focus.

⁵⁰¹² Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵⁰¹³ U.S. Embassy- Suva, *reporting*, February 2, 2010. See also U.S. Department of State, “Tonga,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136012.htm>.

⁵⁰¹⁴ U.S. Department of State, “Country Reports- 2009: Tonga,” section 6.

⁵⁰¹⁵ U.S. Embassy- Suva, *reporting*, December 10, 2007, para 5A. See also U.S. Department of State, “Country Reports- 2009: Tonga,” section 7d.

⁵⁰¹⁶ Government of Tonga, *Constitution of Tonga*, (1988), article 2; available from http://www.paclii.org/to/legis/consol_act/cot238/.

⁵⁰¹⁷ Government of Tonga, *Criminal Offenses Act*, (1988), articles 80, 81, 125, 126, and 129; available from http://www.paclii.org/to/legis/consol_act/co136/.

⁵⁰¹⁸ Government of Tonga, *Transnational Crimes Act*, (2006), articles 24-26.

⁵⁰¹⁹ International Centre for Missing and Exploited Children, *Child Pornography: Model Legislation and Global Review*, 2008, 30; available from http://www.icmec.org/en_X1/English__5th_Edition_.pdf.

⁵⁰²⁰ Government of Tonga, *Tonga Defence Services Act 1992*, article 25; available from <http://legislation.to/Tonga/DATA/PRIN/1992-017/TongaDefenceServicesAct1992.pdf>. See also Coalition to Stop the Use of Child Soldiers, “Tonga,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁵⁰²¹ U.S. Embassy- Suva, *reporting*, December 10, 2007, section 5b.

⁵⁰²² U.S. Embassy- Suva official, E-mail communication to USDOL official, September 9, 2010.

⁵⁰²³ Ibid.

⁵⁰²⁴ U.S. Embassy- Suva, *reporting*, February 2, 2009, para 24B.

⁵⁰²⁵ U.S. Embassy- Suva, *reporting*, February 2, 2010.

⁵⁰²⁶ Government of Tonga, *Strategic Development Plan Eight 2006-2009: Looking to the Future Building on the Past*, 2006, 5, 46, 100, 106, 108, and 109; available from <http://www.sprep.org/att/IRC/eCOPIES/Countries/Tonga/13.pdf>.

⁵⁰²⁷ UNESCO, “Tonga,” in *Education for All 2000 Assessment: Country Reports*, Geneva, 2000; available from http://www.unesco.org/education/wef/countryreports/tonga/rapport_3.html.

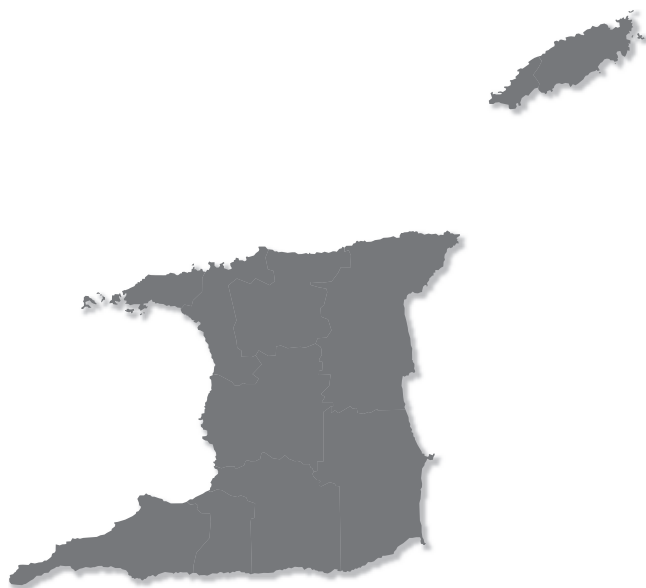
⁵⁰²⁸ U.S. Embassy- Suva official, E-mail communication, September 9, 2010. See also U.S. Embassy- Suva, *reporting*, December 10, 2007.

Trinidad and Tobago

The Government of Trinidad and Tobago has participated in some programs to assist child trafficking victims. Even though it appears that the worst forms of child labor are not a widespread problem in Trinidad and Tobago, some children engage in agricultural and domestic service work. There are significant gaps in legislation to protect children from the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.5%
Attending School	5-14 yrs.	97.0%
Combining Work and School	7-14 yrs.	3.4%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵⁰²⁹






Available information indicates that the worst forms of child labor are not a large problem in Trinidad and Tobago. However, some children are found in the worst forms of child labor, particularly in the small-scale agricultural sector, which commonly involves activities such as the use of potentially dangerous machines, tools, pesticides, and carrying heavy loads. Children also perform domestic service, which may involve long hours, and the risk of physical and sexual exploitation.⁵⁰³⁰

Trinidad and Tobago is a destination, source, and transit country for trafficked children, including children forced into prostitution.⁵⁰³¹

Laws and Regulations on the Worst Forms of Child Labor

Trinidad and Tobago's Miscellaneous Provisions (Minimum Age for Admission to Employment) Act, 2007 sets the minimum age for employment at private and public enterprises at 16.⁵⁰³² It also prohibits children under age 18 from working between 10:00 p.m. and 5:00 a.m., except in family enterprises.⁵⁰³³ Current law sets no minimum age for hazardous work.⁵⁰³⁴

School is only compulsory through age 12, 4 years before children are legally permitted to work. Children who are not in school, and cannot work legally may be vulnerable to the worst forms of child labor.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	12
	Free Public Education	Yes

The Constitution prohibits forced or compulsory labor of children.⁵⁰³⁵ The Sexual Offences Act and the Children Act prohibit child prostitution and the commercial sexual exploitation of children.⁵⁰³⁶

Traffickers can be prosecuted under laws that pertain to kidnapping, procurement of sex, prostitution, slavery, and indentured servitude. Trinidad and Tobago has no compulsory military service. The minimum age for recruitment to the armed forces is 18; however, children between the ages of 16 and 18 willing to join the armed forces may do so with written approval from a parent or guardian.⁵⁰³⁷

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Trinidad and Tobago has established a coordinating mechanism to combat the worst forms of child labor, although the Children's Authority is responsible for ensuring the well-being of the children, including those engaged in child labor.⁵⁰³⁸ The Ministry of Labor and Small and Micro-Enterprise (MLSME), the Ministry of the People and Social Development, the police, and the family courts are responsible for monitoring and enforcing child labor laws.⁵⁰³⁹

The Labor Inspectorate Unit of the MLSME investigates child labor violations in the workplace. It enforces hazardous child labor laws through the Occupational Safety and Health Authority, and forced child labor laws together with the Ministry of the People and Social Development.⁵⁰⁴⁰ During the reporting period it employed 19 inspectors.⁵⁰⁴¹ The inspectors received training on forced child labor and on the prosecutorial process from the Cipriani Labor College and the International Organization for Migration. The Labor Inspectorate Unit conducted 1,236 labor-related inspections during the reporting period and found no cases of child labor.⁵⁰⁴²

The police services handle crimes, such as trafficking of children for commercial sexual exploitation and selling drugs.⁵⁰⁴³ No criminal cases were filed and no one was tried or convicted of trafficking offenses during the reporting period.⁵⁰⁴⁴

If cases of child labor are found, they are referred to family courts, which are responsible for hearing cases related to violations of child labor laws.⁵⁰⁴⁵

During the reporting period, the Government also established a multi-agency task force to enact legislation criminalizing human trafficking and to educate and train key stakeholders. For example, hotel workers have been trained to recognize victims and law enforcement officials have received training on identifying victims and providing them with legal and social services.⁵⁰⁴⁶

Government Policies on the Worst Forms of Child Labor

The Ministry of the People and Social Development continued implementing a 4-year (2006-2010) National Plan of Action for Children, which includes specific goals for combating commercial sexual exploitation of children and exploitative child labor.⁵⁰⁴⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Until 2008, Trinidad and Tobago participated in a regional project to combat the worst forms of child labor in the English and Dutch-speaking Caribbean.⁵⁰⁴⁸ During the reporting period, the Government contracted with an NGO to remove and rehabilitate child laborers from landfill sites.⁵⁰⁴⁹

The Public Sector Investment Program received funding for 2010 to create a comprehensive public awareness campaign focusing on child labor and using data from a survey of children.⁵⁰⁵⁰

The Government also worked with IOM to increase awareness of human trafficking, formulate legislation to criminalize it, and to develop a coalition with local NGOs to confront it.⁵⁰⁵¹ The Ministry of the People and Social Development, UNICEF, private enterprises, and the Trinidad and Tobago Coalition Against Domestic Violence, ran Childline Services, a program that can be accessed by young persons at risk of or victims of exploitation or trafficking.⁵⁰⁵²

Research found no evidence of social programs to combat child labor in the two sectors which it most commonly occurs: agriculture and domestic work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Trinidad and Tobago:

IN THE AREA OF LAWS AND REGULATIONS:

- Legally specify a minimum age for hazardous employment.
- Raise the age of compulsory education to 16, the established minimum age for work.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Collect data on the nature and incidence of the worst forms of child labor to guide policy and enforcement.

IN THE AREA OF SOCIAL PROGRAMS:

- Implement programs to address the worst forms of child labor, including in agriculture and domestic service.
- Expand programs to combat child trafficking.

⁵⁰²⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁰³⁰ U.S. Embassy- Port of Spain, *reporting*, February 17, 2010. See also U.S. Embassy- Port of Spain, *reporting*, April 9, 2010.

⁵⁰³¹ U.S. Department of State, "Trinidad and Tobago," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

⁵⁰³² Government of the Republic of Trinidad and Tobago, *Miscellaneous Provisions (Minimum Age for Admission to Employment) Act, 2007*, No.3 of 2007, Fifth session, Eighth Parliament (February 26, 2007); available from <http://www.ttparliament.org/legislations/a2007-03.pdf>.

⁵⁰³³ U.S. Department of State, "Trinidad and Tobago," in *Country Reports on Human Rights Practices- 2009*, March 11, 2010; available from <http://www.state.gov/g/drl/rls/>

hrpt/2009/wha/136128.htm. See also U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰³⁴ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Trinidad and Tobago (ratification: 2003)*, [online] 2009 [cited March 4, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloe ng&document=23559&chapter=9&query=Trinidad+and+Tobago%40ref&highlight=&querytype=bool&context=0>. See also ILO, *National Legislation on Hazardous Work*, [online] 2009 [cited July 15, 2010]; available from <http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/legisl/oit/tabla/index.htm>.

⁵⁰³⁵ Government of the Republic of Trinidad and Tobago, *The Constitution of the Republic of Trinidad and Tobago with Reforms through 2000*, (August 1, 1976); available from <http://pdba.georgetown.edu/Constitutions/Trinidad/trinidad76.html>.

⁵⁰³⁶ Government of the Republic of Trinidad and Tobago, *Sexual Offences Act (with amendments)*, (November 11, 1986); available from http://rgd.legalaffairs.gov.tt/Laws2/Chs_10-13/11.28/11.28.htm. See also U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰³⁷ Coalition to Stop the Use of Child Soldiers, "Trinidad and Tobago," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/trinidad-and-tobago>.

⁵⁰³⁸ Government of the Republic of Trinidad and Tobago, *Act No. 14 of 2008: An Act to amend the Children's Authority Act, 2000*, (September 26, 2008); available from <http://www.ttparliament.org/legislations/a2008-14.pdf>.

⁵⁰³⁹ U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰⁴⁰ U.S. Embassy- Port of Spain, *reporting*, February 17, 2010. See also U.S. Department of State, “Trinidad and Tobago,” in *Country Reports on Human Rights Practices-2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119175.htm>.

⁵⁰⁴¹ U.S. Embassy- Port of Spain, *reporting*, February 17, 2010. See also U.S. Department of State, “Country Reports-2009: Trinidad and Tobago.”

⁵⁰⁴² Ibid.

⁵⁰⁴³ U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰⁴⁴ Ibid.

⁵⁰⁴⁵ U.S. Embassy- Port of Spain, *reporting*, February 18, 2009.

⁵⁰⁴⁶ U.S. Embassy- Port of Spain, *reporting*, April 9, 2010. See also U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰⁴⁷ Trinidad and Tobago Ministry of Social Development, “Caribbean Sub-Regional Meeting to Assess the Implementation of the Programme of Action of the International Conference on Population and Development

(ICPD) - 15 Years after its Adoption” (St. John’s, Antigua and Barbuda, 2009); available from http://www.cepal.org/celade/noticias/paginas/6/37126/ICPD15_CR_TrinTob.pdf. See also U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰⁴⁸ ILO, *IPEC Action Against Child Labour 2008-2009: IPEC Progress and Future Priorities*, 2010; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=12813>.

⁵⁰⁴⁹ U.S. Embassy- Port of Spain, *reporting*, February 17, 2010.

⁵⁰⁵⁰ Ibid.

⁵⁰⁵¹ Camille Bethel, “Group Holds Human Trafficking Awareness Workshops,” *Trinidad and Tobago Express*, June 3, 2008; available from http://www.trinidadexpress.com/index.pl/article_news?id=161332536.

⁵⁰⁵² Broken Child, *ChildLine- Trinidad and Tobago*, [online] 2008 [cited July 6, 2010]; available from <http://www.brokenchild.org/forum/viewtopic.php?f=77&t=318>. See also Ministry of Social Development and UNICEF, *Greetings by the Honourable Anthony Roberts Minister of Social Development at the Official Launch of Childline-Trinidad and Tobago Services Hosted by UNICEF*, 2008.

Tunisia

The Government of Tunisia has established a legal framework to protect children from the worst forms of child labor. However, the Tunisian Government has not published a list of hazardous work for children and the use of children in domestic service remains a problem.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable








Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵⁰⁵³

In Tunisia, children are exploited in the worst forms of child labor, many in domestic service. Some children, mostly girls, work as domestic servants, which puts them at risk of physical, psychological, and sexual abuse.⁵⁰⁵⁴ Anecdotal reports indicate that children may work in the agricultural sector, where they may be exposed to chemicals, injured by dangerous machinery or tools, and suffer physical harm from repetitive motions and carrying excessively heavy loads.⁵⁰⁵⁵ Children also work in mechanics shops and as street vendors of flowers, cigarettes, and other small items.⁵⁰⁵⁶ Street vending may expose children to dangers such as road accidents, air pollution, and extreme weather. There have been reports of girls trafficked internally for domestic servitude.⁵⁰⁵⁷

Laws and Regulations on the Worst Forms of Child Labor

Tunisia's Labor Code sets the minimum age for employment at 16 with some exceptions. The Labor Code and Child Protection Code bar children under the age of 18 from hazardous work. The Labor Code gives the Ministry of Social Affairs the authority to determine which jobs fall under this category.⁵⁰⁵⁸ The Ministry has not published a list of hazardous occupations as required under ILO Convention

182; therefore, it is unclear which types of work are excluded.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Law No. 89-23 prohibits forced labor.⁵⁰⁵⁹ The Child Protection Code outlaws children's participation in wars or armed conflicts and prostitution. The Child Protection Code sets the age for voluntary military service at 18,⁵⁰⁶⁰ and Act No. 51-1989 sets the

minimum age for compulsory recruitment at 20.⁵⁰⁶¹ The law does not specifically prohibit trafficking, although traffickers may be prosecuted under laws against forced labor, prostitution, participation in armed conflict, or displacement.⁵⁰⁶²

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tunisia has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Social Affairs, Solidarity, and Tunisians Abroad is responsible for enforcing child labor laws, including laws on hazardous labor, through its labor inspectors.⁵⁰⁶³ No information was available on the number of inspectors, their funding or the number of inspections carried out.

The Tunisian General Union of Labor may also perform work inspections where the Union operates and can submit complaints to the Government. The Ministry of Women, Family, Children, and Senior Citizens' Affairs (MWFCSCA) is likewise empowered to conduct inspections.⁵⁰⁶⁴ Additionally, the Child Protection Code establishes a Child Protection Delegation within the MWFCSCA to enforce the Code in each of the 24 governorates of the country.⁵⁰⁶⁵ The delegates may receive and investigate complaints from or involving children. Since its creation in 2006, the Delegation has received over 10,000 complaints, though it is unclear how many of those complaints were filed in the reporting period.⁵⁰⁶⁶ Based on the volume of complaints received, the number of delegates is not sufficient to handle all the complaints. It is not clear from the available evidence how these agencies coordinate.

Research has found no evidence that the Government has established a lead agency for enforcing anti-trafficking laws. The Government did not provide training in identifying victims of trafficking to any

officials, including those responsible for enforcing laws under which traffickers may be punished.⁵⁰⁶⁷ As a result of this lack of training and effort, trafficking victims, including children, may remain unidentified.⁵⁰⁶⁸

Information on the prosecution of worst forms of child labor is limited; however some enforcement efforts have been reported. In April 2009, a Tunisian woman was convicted of engaging a girl age 7 in domestic servitude and physically abusing her; the woman was sentenced to 3 years in prison.⁵⁰⁶⁹

Government Policies on the Worst Forms of Child Labor

Tunisia issued a 2004-2015 plan to promote quality education and healthy development for boys and girls.⁵⁰⁷⁰ The question of whether this policy has an impact on the worst forms of child labor does not appear to have been addressed.⁵⁰⁷¹

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2004, the World Bank approved a \$130 million loan to the Government for the second phase of an Education Quality Improvement Project designed to facilitate the Ministry of Education's efforts to promote primary and secondary education. This project aims to boost school enrollment and completion rates for children age 6 to 18 and was set to end in September 2010.⁵⁰⁷² Though this program does not target child labor, it may provide benefits to working children.

In 2008, the Government of Tunisia worked with UNICEF to draft a report on street children, which they indicated would be released in early 2009; however, the Government has not yet published the findings.⁵⁰⁷³

Research found no evidence of programs to address child labor, including as domestic servants.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Trinidad and Tunisia:

IN THE AREA OF LAWS AND REGULATIONS:

- Publish a list of hazardous occupations for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Make data publicly available on the number of inspectors as well as the number and results of inspections of child labor violations.
- Increase the number of Child Protection Delegates.
- Designate agencies to enforce anti-trafficking legislation, and provide training on the identification of child victims of trafficking.

IN THE AREA OF POLICIES:

- Assess the impact that the 2004-2015 plan may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Implement programs to specifically address the worst forms of child labor, including domestic service.
- Release the 2008 report on street children in order to develop appropriately targeted social programs.

⁵⁰⁵³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵⁰⁵⁴ U.S. Embassy- Tunis, *reporting*, February 8, 2010, section 2A-1. See also U.S. Department of State, “Tunisia,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6, 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136081.htm>.

⁵⁰⁵⁵ U.S. Embassy- Tunis, *reporting*, February 8, 2010.

⁵⁰⁵⁶ Ibid. See also U.S. Embassy- Tunis, *reporting*, February 10, 2009, para 4.

⁵⁰⁵⁷ U.S. Department of State, “Country Reports- 2009: Tunisia,” section 6. See also U.S. Department of State, “Tunisia,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>.

⁵⁰⁵⁸ Government of Tunisia, *Code du travail*, 1996, Loi no. 66-27, (April 30, 1966), article 58; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44414/65029/F96TUN01.htm>.

www.ilo.org/dyn/natlex/docs/WEBTEXT/44414/65029/F96TUN01.htm. See also Government of Tunisia, *Loi No. 95-92, 1995, Relative à la publication du Code de la protection de l’enfant*, (November 9, 1995), article 20; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/42904/64989/F95TUN01.htm>.

⁵⁰⁵⁹ Government of Tunisia, *Loi no. 89-23 du 27 février 1989 portant suppression de la peine des travaux forcés*, accessed January 27, 2010; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=TUN&p_classification=03&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY. See also U.S. Department of State, “Tunisia,” in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100607.htm>.

⁵⁰⁶⁰ Government of Tunisia, *Loi No. 95-92, 1995*, article 3, 18, 20, 25.

⁵⁰⁶¹ Coalition to Stop the Use of Child Soldiers, “Tunisia,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁵⁰⁶² U.S. Embassy- Tunis, *reporting*, February 18, 2010, section 5-A.

⁵⁰⁶³ Government of Tunisia, *Code du travail*, article 170, 171. See also U.S. Embassy- Tunis, *reporting*, February 18, 2010, section 2C-1.

⁵⁰⁶⁴ U.S. Embassy- Tunis, *reporting, February 8, 2010*, section 2C-1.

⁵⁰⁶⁵ Government of Tunisia, *Loi No. 95-92, 1995*, article 28.

⁵⁰⁶⁶ Save the Children Sweden, *Child Rights Situation Analysis for MENA Region*, August 2008, 121; available from <http://sca.savethechildren.se/Documents/Resources/Child%20Rights%20Situation%20Analysis%20for%20Middle%20East%20and%20North%20Africa.pdf>.

⁵⁰⁶⁷ U.S. Embassy- Tunis, *reporting, February 18, 2010*, section 5B, 7K.

⁵⁰⁶⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Tunisia.”

⁵⁰⁶⁹ U.S. Embassy- Tunis, *reporting, February 18, 2010*, section 2A, 2C. See also U.S. Embassy- Tunis official, E-mail communication to USDOL official, April 15, 2010.

⁵⁰⁷⁰ Management Systems International, *Combating Child Labor Through Education in Morocco (Project Adros)*:

Technical Progress Report, Rabat, March 31, 2004, 8. See also UNICEF, *Investing in the Children of the Islamic World: Achievements*, 2004; available from <http://www.unicef.org/policyanalysis/files/Achievements.pdf>.

⁵⁰⁷¹ Management Systems International, *Project Adros: Technical Progress Report*, 8. See also UNICEF, *Investing in the Children*.

⁵⁰⁷² Sereen Juma, “Tunisia: World Bank Supports Efforts to Improve Teaching, Learning in Schools”, WorldBank.org, [online], March 10, 2004 [cited July 29, 2010]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/TUNISIAEXTN/0,,contentMDK:20175801~menuPK:64282138~pagePK:41367~piPK:279616~theSitePK:310015,00.html>. See also World Bank Projects Database, *Education Quality Improvement Program (EQIP) Phase 2*, July 29, 2010; available from <http://www.worldbank.org>.

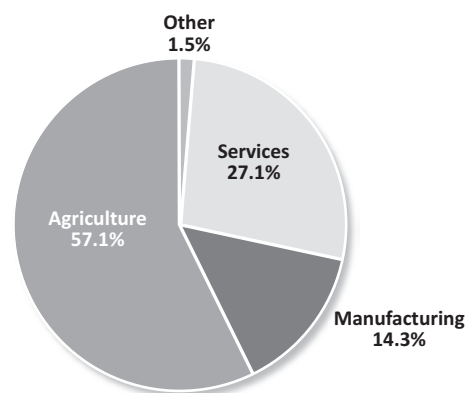
⁵⁰⁷³ U.S. Embassy- Tunis, *reporting, February 10, 2009*.

Turkey

The Government of Turkey has committed to eliminating the worst forms of child labor by 2014, and has put in place a policy framework and labor inspection system; however, many children continue to be engaged in the worst forms of child labor, particularly in agriculture and the informal sector, due to gaps in legislation and the current government's program focus on human trafficking.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	6-14 yrs.	2.6%
Attending School	6-14 yrs.	92.4%
Combining Work and School	7-14 yrs.	1.5%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Turkey, children are engaged in the worst forms of child labor⁵⁰⁷⁴, most often in the agriculture and forestry sectors, producing cotton and cut logs. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of livestock, onions, tea, processed mussels, dried sliced tomatoes, bricks, leather goods/accessories and footwear.⁵⁰⁷⁵ They often work long hours and are involved in activities such as using potentially dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides.⁵⁰⁷⁶

According to Government reports, children are also exploited in street work.⁵⁰⁷⁷ As of December 2009, 8,298 children were found to be working on the streets.⁵⁰⁷⁸ There were reports of parents forcing their children to shine shoes, sell tissues and food, and beg.⁵⁰⁷⁹ Children working on the streets may be exposed to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Children also work in small-scale carpentry and manufacturing and boys are often employed in auto repair shops.⁵⁰⁸⁰

Trafficking is also a problem. The country is a destination and, to a lesser extent, transit country for women and children trafficked primarily for commercial sexual exploitation.⁵⁰⁸¹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Act establishes the minimum age for work at 15 and prohibits children under 16 from working more than 8 hours per day.⁵⁰⁸² Children under 16 are prohibited from employment in arduous or dangerous work.⁵⁰⁸³ Seasonal agricultural work, dangerous conditions in small- and medium-sized enterprises, and child labor in the streets are classified as the worst forms of child labor in Turkey.⁵⁰⁸⁴ Decree number 25425 on the fundamentals and principles of the employment of children and young workers (April 2004) lays out the list of hazardous labor prohibited to people under the age of 18.⁵⁰⁸⁵ Available information does not reveal the specific occupations included on either the list of prohibited hazardous labor or the list of arduous and dangerous work allowed for children over age 16.

A number of sectors are not covered by the labor laws, including agricultural enterprises employing

50 or fewer workers, small shops employing up to three persons, and domestic service. Article 4 of the Labor Act of Turkey specifically exempts activities and employment relationships in those sectors from the provisions of the Labor Act.⁵⁰⁸⁶ Many children are known to work in these sectors, especially small agricultural enterprises. This leaves children vulnerable to hazardous labor conditions without legal protection.

In addition to barring children from hazardous work, Turkey prohibits forced or compulsory labor.⁵⁰⁸⁷ Article 227 of the New Turkish Penal Code prohibits prostitution under the age of 21 years and the sexual exploitation of children in the production of pornography.⁵⁰⁸⁸ Article 80 of the Turkish Penal Code outlaws trafficking for sexual exploitation and forced labor for both adults and children.⁵⁰⁸⁹ The voluntary military recruitment age in Turkey is 18 with compulsory recruitment at 19.⁵⁰⁹⁰

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Disadvantaged Groups Department (DGD) of the Ministry of Labor and Social Security (MOLSS) is the primary agency coordinating and collaborating across the Government on child labor issues.⁵⁰⁹¹ It coordinates efforts of the Ministry of Education, the

Social Services and Child Protection Institution, the Ministry of the Interior, the Ministry of Justice, and non-governmental organizations (NGOs).⁵⁰⁹² The DGD acts as the secretariat of the National Guidance Committee, which monitors child labor and the activities of the Government to combat the problem. Representatives from the Government, labor unions, and NGOs participate in the committee.⁵⁰⁹³

Within the Ministry of Foreign Affairs, an ambassadorial-level official serves as coordinator of the Government's Task Force on Human Trafficking. This task force also includes officials from six ministries, as well as representatives from NGOs, the IOM, and each municipality.⁵⁰⁹⁴

MOLSS conducts labor enforcement in workplaces that are covered by the labor law, including medium- and large-scale industrial and service sector enterprises.⁵⁰⁹⁵ MOLSS inspectors are responsible for enforcing the child labor laws and are instructed to prioritize complaints alleging child labor.⁵⁰⁹⁶ There are 627 labor inspectors and 70 deputy inspectors operating in Turkey with 285 inspectors assigned to cases of occupational health and safety including cases of hazardous child labor.⁵⁰⁹⁷ As of January 2009, all inspectors had been trained in child labor issues, including how to identify underage children in the workplace.⁵⁰⁹⁸

In the first 6 months of 2009, there were 8,508 occupational health and safety inspections revealing 2,764 cases of child labor.⁵⁰⁹⁹ Inspections focusing on specific sectors were also conducted in 2009 including inspections of construction sites and underground mines; however, the reports of these inspections have not yet been released.⁵¹⁰⁰

The Commission on Child Laborers Working on the Streets investigates instances of child street labor and proposes intervention programs.⁵¹⁰¹

Complaints about hazardous child labor can be made by phone to a hotline operated by the Social Services Institution or to the Web site of the Prime Minister's Office Communications Center.⁵¹⁰² According to the Prime Minister's Social Services and Child Protection Institution, as a result of calls to this hotline, 740 parents were given notifications that they had committed a crime for making their children work in the streets. Of those, 151 were punished.⁵¹⁰³

The Turkish National Police (TNP) employs 3,500 officers tasked with addressing children's issues.⁵¹⁰⁴ However, these officers handle all issues related to the treatment and protection of children, and do not have a specific unit focused on child labor exploitation.⁵¹⁰⁵ The TNP also investigates cases of human trafficking and reports capturing 246 and arresting 178 suspected traffickers in 2009.⁵¹⁰⁶ The Ministry of Justice reports convicting 23 suspects for human trafficking violations in 2009. It is unclear whether these convictions were for child or adult trafficking.⁵¹⁰⁷

The Ministry of Justice, TNP, and MOLSS provide anti-human trafficking training for employees.⁵¹⁰⁸ Turkish National Police officers received training in six cities with judges and prosecutors participating in training focused on victim identification and interviewing.⁵¹⁰⁹

Government Policies on the Worst Forms of Child Labor

The Government of Turkey developed a National Timebound Policy and Program Framework in 2004 which aims to eliminate the worst forms of child labor by 2014. The policy prioritizes reducing poverty, improving the quality and accessibility of education, and increasing social awareness and sensitivity to the problem.⁵¹¹⁰ It also sets the roles of each participating agency and highlights the need to coordinate across services. It identifies the worst forms of child labor in Turkey including street work, the informal urban economy, seasonal commercial agricultural labor, domestic labor, and rural labor.⁵¹¹¹ The policy articulates objectives, indicators, outputs, target groups, activities, and responsibilities for the elimination of the worst forms of child labor. However, no new programs directly carrying out the country's timebound program have been implemented since 2006.⁵¹¹²

The Ninth Development Program, the National Program to Harmonize with the EU Acquis for membership, the 2007 Erdogan Government Program, and the Rural Development Program all briefly mention child labor.⁵¹¹³ The Government did not prioritize elimination of the worst forms of child labor in these development plans.⁵¹¹⁴

In March 2009, Turkey signed the Council of Europe Convention on Action against Trafficking in Human Beings.⁵¹¹⁵ The Prime Minister's Office approved the Second National Action Plan against Trafficking

in Persons in June 2009, which will complement an ongoing EU project aimed at ensuring the sustainability of the fight against trafficking.⁵¹¹⁶ As a part of this plan, the Ministry of Foreign Affairs is spearheading a multi-agency effort to create a comprehensive plan for addressing trafficking in persons, which would include identifying an agency or NGO responsible for each aspect of trafficking.⁵¹¹⁷ The plan will propose legislation that, if approved, would empower the Ministry of Finance to allocate money to these individual ministries or NGOs for their work on trafficking.⁵¹¹⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Turkey has participated in donor-funded projects to combat child labor in street work, the informal urban economy, and seasonal agriculture. A USDOL-funded project that ended in 2007 worked to build government and civil society's capacity to combat child labor through education and withdrew 5,661 and prevented 7,448 children from the worst forms of child labor through education and vocational training.⁵¹¹⁹

In a budget speech before parliament in 2009, the Minister of Labor noted that the MOLSS had plans to initiate new programs to target the worst forms of child labor from 2009-2013.⁵¹²⁰ However, research did not reveal any ongoing or new programs directly addressing the reduction of exploitive child labor during the reporting period.⁵¹²¹

In an effort to reduce poverty, the Government created a cash transfer program under the direction of the Social Assistance Solidarity Directorate and through the Social Assistance Solidarity Foundations. One of the conditions for families to participate in the program is for children between ages 6 and 15 to attend primary education.⁵¹²² While this program is not directly aimed at withdrawing children from worst forms of child labor, it may influence parents to take children out of work to attend school. Available information does not include the funding or scope of this cash transfer program.

To assist victims of human trafficking, the Ministry of Justice provides free legal services to foreign victims who choose to remain in Turkey to testify against traffickers.⁵¹²³ Foreign trafficking victims may apply

for humanitarian visas to remain in Turkey for up to 6 months and may apply for renewal for an additional 6 months.⁵¹²⁴ The Ministry of Foreign Affairs also supports shelters for trafficking victims in Ankara and Istanbul; however, the \$20,000 provided during the reporting period was insufficient and the shelters continue to rely on external donor funding.⁵¹²⁵ In November 2009 the IOM and a local NGO set up a third anti-trafficking shelter in Antalya with the facility donated by the municipality.⁵¹²⁶

The Government instituted a trafficking awareness campaign in 2009.⁵¹²⁷ This campaign was internationally televised in collaboration with Russia and Moldova, which targeted both victims and traffickers. The Government also partnered with the IOM and other NGOs to raise awareness of the issue.⁵¹²⁸

The Government does not currently implement programs to assist children in hazardous labor in agriculture or street work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Turkey:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Labor Act to ensure that child labor provisions apply to small-scale agriculture and small businesses.
- Amend the Labor Act to protect child domestic workers.

IN THE AREA OF POLICIES:

- Renew the Timebound Policy and Program for the Elimination of the Worst Forms of Child Labor.
- Mainstream exploitive child labor policies into poverty reduction strategies and action plans and provide resources for these activities.
- Provide adequate funding for anti-trafficking policy implementation and victim assistance programs.

IN THE AREA OF PROGRAMS:

- Renew effective expired social programs in support of the country's Timebound Program.
- Implement programs specifically addressing the most prevalent worst forms of child labor such as hazardous work in agriculture and street work.
- Provide adequate funding to shelters for human trafficking victims.

⁵⁰⁷⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁰⁷⁵ U.S. Embassy- Ankara, *reporting*, March 30, 2010. See Also IMPAQ International, *Combating Exploitative Child Labor through Education in Turkey*, Project Document, Columbia, MD, May 17, 2005.

⁵⁰⁷⁶ IMPAQ International, *Combating Exploitative Child Labor through Education in Turkey*, 7-8. ⁵ Ibid.

⁵⁰⁷⁷ U.S. Embassy- Ankara, *reporting*, March 30, 2010, 2.

⁵⁰⁷⁸ U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵⁰⁷⁹ U.S. Department of State, "Turkey," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136062.htm>. See also U.S. Department of State, "Turkey," in *Country Reports on Human Rights Practices- 2008*, February 25, 2009, section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119109.htm>.

⁵⁰⁸⁰ U.S. Department of State, "Country Reports- 2009: Turkey," section 6d. See also U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵⁰⁸¹ U.S. Department of State, "Turkey (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142979.pdf>. See also U.S. Department of State, "Turkey (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123365.pdf>.

⁵⁰⁸² U.S. Department of State, "Country Reports- 2009: Turkey," section 6d. See also U.S. Department of State, "Country Reports- 2008: Turkey," section 6d.

⁵⁰⁸³ Government of Turkey, *Labor Act of Turkey, Law No. 4857*, (May 22, 2003), article 85; available from <http://www.ilo.org/public/english/region/eurpro/ankara/legislation/law4857.htm>.

⁵⁰⁸⁴ U.S. Embassy- Ankara, *reporting*, December 14, 2007.

⁵⁰⁸⁵ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Turkey (ratification: 2001)*, [online] 2009 [cited November 30, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23560&chapter=9&query=Turkey%40ref&highlight=&querytype=bool&context=0>.

⁵⁰⁸⁶ U.S. Department of State, "Country Reports- 2008: Turkey," section 6d. See also Government of Turkey, *Labor Act*, article 4.

⁵⁰⁸⁷ U.S. Department of State, "Country Reports- 2009: Turkey." See also U.S. Department of State, "Country Reports- 2008: Turkey," section 6c.

⁵⁰⁸⁸ Government of Turkey, "Turkey," in *Legislation of Interpol Member States on Sexual Offenses Against Children*, 2006; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaTurkey.pdf>.

⁵⁰⁸⁹ U.S. Department of State, "Trafficking in Persons Report- 2010: Turkey." See also U.S. Department of State, "Trafficking in Persons Report- 2009: Turkey." See also U.S. Embassy- Ankara, *reporting*, April 7, 2010, 2 and 4.

⁵⁰⁹⁰ Coalition to Stop the Use of Child Soldiers, "Turkey," in *Child Soldiers Global Report 2008*, London, 2008, 342; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁵⁰⁹¹ U.S. Embassy- Ankara official, E-mail communication to USDOL official, October 23, 2010.

⁵⁰⁹² U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵⁰⁹³ Ministry of Labor and Social Security, *Views of the Government of Turkey Regarding 2008 Child Labor Review in the Production of Certain GSP-Eligible Hand-Loomed or Hand-Hooked Carpets*, February 14, 2008.

⁵⁰⁹⁴ U.S. Department of State, "Country Reports- 2009: Turkey," section 6.

⁵⁰⁹⁵ Ibid., section 6d.

⁵⁰⁹⁶ U.S. Embassy- Ankara, *reporting*, January 23, 2009.

⁵⁰⁹⁷ U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵⁰⁹⁸ U.S. Embassy- Ankara, *reporting*, January 23, 2009.

⁵⁰⁹⁹ U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵¹⁰⁰ Ibid.

⁵¹⁰¹ ILO-IPEC, *Combating the Worst Forms of Child Labor in Turkey- Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey (2004-2006)*, Technical Progress Report, TUR/03/P50/USA, Geneva, March 2005, 2, 3.

⁵¹⁰² U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵¹⁰³ Ibid.

⁵¹⁰⁴ U.S. Embassy- Ankara, *reporting*, January 23, 2009.

⁵¹⁰⁵ Ibid.

⁵¹⁰⁶ U.S. Embassy- Ankara, *reporting*, April 7, 2010, 5.

⁵¹⁰⁷ Ibid., 5-6.

⁵¹⁰⁸ Ibid., 4 and 6.

⁵¹⁰⁹ U.S. Department of State, “Country Reports- 2009: Turkey.”

⁵¹¹⁰ U.S. Embassy- Ankara, *reporting*, March 30, 2010. See also ILO-IPEC Turkey, *2.1 Time bound National Policy and Programme (BP)*, [online] [cited June 16, 2010]; available from <http://ilo-mirror.library.cornell.edu/public/english/region/eurpro/ankara/programme/ipec/tbp.htm>.

⁵¹¹¹ ILO-IPEC, *Combating the Worst Forms of Child Labor in Turkey- Supporting the Timebound Program for the Elimination of the Worst Forms of Child Labor in Turkey (2004-2006)*, Project Document, TUR/03/P50/USA, Geneva, 2003.

⁵¹¹² U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵¹¹³ Ibid.

⁵¹¹⁴ Ibid., 4.

⁵¹¹⁵ U.S. Embassy- Ankara, *reporting*, March 26, 2009.

⁵¹¹⁶ U.S. Embassy- Ankara, *reporting*, December 16, 2009.

⁵¹¹⁷ U.S. Embassy- Ankara, *reporting*, March 26, 2009. See also U.S. Embassy- Ankara, *reporting*, January 23, 2009.

⁵¹¹⁸ Ibid.

⁵¹¹⁹ U.S. Department of Labor, *Combating the Worst Forms of Child Labor in Turkey - Supporting the Timebound National Policy and Program for the Elimination of the Worst Forms of Child Labor in Turkey*, Technical Cooperation Project Summary, Washington, DC.

⁵¹²⁰ U.S. Embassy- Ankara, *reporting*, January 23, 2009.

⁵¹²¹ U.S. Embassy- Ankara, *reporting*, March 30, 2010.

⁵¹²² Ibid., 5.

⁵¹²³ U.S. Department of State, “Country Reports- 2009: Turkey.” See also U.S. Department of State, “Country Reports- 2008: Turkey,” section 5.

⁵¹²⁴ Ibid.

⁵¹²⁵ U.S. Department of State, “Trafficking in Persons Report- 2010: Turkey.” See also U.S. Department of State, “Trafficking in Persons Report- 2009: Turkey.”

⁵¹²⁶ U.S. Embassy- Ankara, *reporting*, March 16, 2010.

⁵¹²⁷ U.S. Embassy- Ankara, *reporting*, April 7, 2010.

⁵¹²⁸ Ibid.

Tuvalu

The Government of Tuvalu initiated efforts to ratify ILO Convention 182 on the elimination of the worst forms of child labor. However, significant gaps exist in its legislative framework, in particular insufficient restrictions on hazardous work for children. Children in Tuvalu likely work in fishing and agriculture.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵¹²⁹

Children in Tuvalu are likely exploited in the worst forms of child labor in agriculture and fishing, although no available sources describe these practices in detail.⁵¹³⁰ Children's work in agriculture commonly involves use of potentially dangerous machinery and tools, carrying heavy loads, and the application of harmful pesticides. Sharp fishing equipment poses a danger to child fishermen, who also risk drowning. Members of the international community have raised concerns that children in Tuvalu may be exploited in commercial sexual activities and prostitution in particular, although the Government denies that this is a significant problem.⁵¹³¹ The economic transition underway, moving Tuvalu from a subsistence-based to a monetized-based economy, may lead some children to engage in commercial sexual activities in order to gain access to currency, as has occurred in other nations in the Pacific region.⁵¹³²

Tuvaluan children who live on outer islands, are members of large families, are disabled, or do not have access to land, are some of the most disadvantaged members of society; their low socioeconomic status elevates this population's vulnerability to the worst forms of child labor.⁵¹³³

Laws and Regulations on the Worst Forms of Child Labor

The Employment Ordinance sets the minimum age for paid employment at 14, and prohibits children below age 15 from performing hazardous labor.⁵¹³⁴ The Employment Ordinance allows employers to hire a child to work in agricultural production, aboard a ship, or during the night starting at age 16 with certain restrictions.⁵¹³⁵ There are no protections for other types of work for children age 16 to 17. Other sections of the law define the terms of apprenticeships for workers below age 18 and place restrictions on recruiting children to work.⁵¹³⁶


Children in Tuvalu are legally permitted to work in unhealthy environments, where they risk exposure to dangerous substances, temperatures, or noise levels, and are allowed to operate dangerous machinery, equipment; and tools. The law allows a child as young as age 14 to enter a 5-year apprenticeship without providing for adequate legal protections: no restrictions are placed on the type of work that a child apprentice may perform, and these trainees may lawfully live away from their families, increasing the child's vulnerability to exploitation.⁵¹³⁷

The Employment Ordinance also empowers the Labor Minister to exclude any industry from child labor

laws by notice, although there is no information as to whether the country's Labor Minister has exercised this authority.⁵¹³⁸

The punishment for flouting child labor laws may not be sufficient to deter employers. Violators need only pay a \$50 fine.⁵¹³⁹

The Penal Code prohibits employers and others from enslaving a child, forcing a child to work, or otherwise constraining a child's movement.⁵¹⁴⁰ The *Code* establishes punishments for child prostitution and trafficking minors for sexual purposes—punishing clients, facilitators, and beneficiaries of the trade as well as the young person's consenting guardian(s).⁵¹⁴¹ Tuvalu does not have the legal ability to prosecute a person who prostitutes a boy over age 15 or provide for his safe removal, whereas the Government has protective statutes in place when the victim is female.⁵¹⁴²

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	15
	Free Public Education	Yes

Tuvaluan sentences for all sexual offenses designate maximum but not minimum sentences, which could lead to light sentences that are not commensurate with the gravity of the crime.⁵¹⁴³

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Tuvalu has established a coordinating mechanism to combat the worst forms of child labor.

The enforcement of child labor issues principally rests with the Department of Labor, which is part of the Ministry of Foreign Affairs and External Trade, Environment, and Labor.⁵¹⁴⁴ There is no recent information on the number of employees currently working in the department. However, ILO reporting indicates that the Labor Office, like many other parts of the Tuvalu administration, has limited institutional capacity, preventing it from carrying out its duties in an efficient and transparent manner.⁵¹⁴⁵ The Ministry of Foreign Affairs and External Trade, Environment, and Labor are not involved in any initiatives to enforce child labor regulations. In addition there has never been a prosecution for child labor in Tuvalu.⁵¹⁴⁶

An additional challenge faced by the Labor Office is a lack of information and data concerning child labor and child labor in its worst forms hindering the ability to target and measure enforcement efforts.⁵¹⁴⁷

Assisted by immigration officers, Tuvalu Police Force is the primary agency responsible for enforcing efforts to combat child trafficking.⁵¹⁴⁸ When the court has reasonable cause to suspect that a female child is being subjected to commercial sexual exploitation, it may issue the Tuvalu Police Force a warrant to search the premises and arrest the accused individual(s). No similar search provision is evident for boys in similar circumstances.⁵¹⁴⁹ When a case of commercial sexual exploitation of a minor goes to trial, the court may appoint a guardian for the girl victim, but, males lack this protection.⁵¹⁵⁰

The judicial system lacks reliable information on the prevalence of child prostitution.⁵¹⁵¹

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address child labor.⁵¹⁵²

The Government does not collect data on the worst forms of child labor. However, through its 2009 national budget, the Government requested that the National Statistics Office provide up to date information on the country's labor force, and a UN agency is lending financial assistance to launch Tuvalu's first labor force survey.⁵¹⁵³ It is unclear whether a child labor module will be included in the survey.⁵¹⁵⁴

During the reporting period, the Tuvaluan Government worked with the ILO on a 2-year Decent Work Country Program (DWCP).⁵¹⁵⁵ Among its many goals, the DWCP hopes to strengthen the country's labor laws, support the ratification of ILO Convention 182, and improve labor market monitoring systems.⁵¹⁵⁶ The Government of Tuvalu has also requested assistance from the ILO to align its labor laws with current international labor standards, including the CRC.⁵¹⁵⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Tuvalu, supported by its longstanding partnerships with international organizations and foreign aid agencies, has implemented numerous programs that alleviate some of the underlying causes of child labor.⁵¹⁵⁸ Through the national education policy, Education for Life, in place since 1988, the Government has made strides towards providing free and universal primary education.⁵¹⁵⁹ The Tuvalu Department of Education has prioritized increasing access to education for children from vulnerable populations, specifically targeting students from low socioeconomic backgrounds, urban areas, isolated communities, as well as girls, children with disabilities, and school dropouts who are at the greatest risk of being subjected to the worst forms of child labor.⁵¹⁶⁰ The above programs may provide benefits to working children.

Despite the above programs, research found no evidence of any programs specifically to address child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Tuvalu:

N THE AREA OF LAWS AND REGULATIONS:

- Expand the type of labor and worksites considered hazardous for children and raise the minimum age for hazardous work to 18.
- Eliminate the discretion to exclude industries from child labor laws.
- Create punishments for the commercial sexual exploitation of children and unlawful employment of children commensurate with the nature of the crime.
- Eliminate gender discrimination in laws relating to the prosecution of commercial sexual exploitation perpetrators and safe removal of child victims.
- Provide more structure and protection for underage apprentices in regards to types of work and nature of worksite.

I IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Institute measures to increase the transparency and effectiveness of Tuvalu government agencies in combating the worst forms of child labor.
- Compiling national statistics on child labor enforcement, including cases reported, investigated, prosecuted, and closed.
- Increase punishments for employing or facilitating the commercial exploitation of children or violating national child labor laws to reflect the gravity of the crimes.

IN THE AREA OF POLICIES:

- Adopt policies to address the worst forms of child labor.
- Conduct regular surveys on the nature and prevalence of the worst forms of child labor in Tuvalu.

IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor.

⁵¹²⁹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵¹³⁰ U.S. Embassy- Suva, *reporting*, December ~~XX~~, 2007, section 6c. See also Economic Planning and Industries Tuvalu Ministry of Finance, *Household Income and Expenditure Survey (HIES) 2004/2005*, September 2006, 53-54; available from http://www.ilo.org/dyn/lfsurvey/lfsurvey.list?p_lang=en&p_country=TV. See also ILO and Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, 2009, 5-6; available from <http://www.ilo.org/asia/whatwedo/publications/lang--en/docName-->

WCMS_120556/index.htm. See also Office of the High Commissioner for Human Rights, *Compilation Prepared by the Office of the High Commissioner for Human Rights, in Accordance with Paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1* United Nations, October 6, 2008, 4; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/163/27/PDF/G0816327.pdf?OpenElement>. See also United Nations Development System - Fiji and Samoa, *United Nations Development Assistance Framework for the Pacific Subregion (2008-2012)*, May 2007, 4; available from http://www.undp.org/ws/Portals/12/pdf/RC/UNDAF_document.pdf.

⁵¹³¹ Committee on the Elimination of Discrimination against Women, *Concluding Observations of the Committee on the Elimination of Discrimination against Women: Tuvalu*, United Nations, 2009, 8; available from http://ap.ohchr.org/documents/dpage_e.aspx?c=191&su=189. See also UN Committee on the Elimination of Discrimination against Women, “Consideration of Reports Submitted by States

Parties Under Article 18 of the Convention (*continued*) - Combined Initial and Second Periodic Reports of Tuvalu “ (paper presented at the 896th Meeting, New York, 29 July 2009), 4; available from <http://www2.ohchr.org/english/bodies/cedaw/docs/SR/CEDAW-C-SR-897.pdf>.

⁵¹³² Government of Tuvalu and the UN Development Programme, *Tuvalu Millennium Development Goals Report 2006*, Funafuti, Tuvalu, 2006, 4; available from http://planipolis.iiep.unesco.org/format_liste1_en.php?Chp2=Tuvalu. See also UNESCAP and ECPAT International UNICEF, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, UNICEF Pacific, 2006, 11 and 23-24; available from http://www.unicef.org/pacificislands/partners_10989.html.

⁵¹³³ UN Office of the United Nations Resident Coordinator, *United Nations Development Assistance Framework - Tuvalu (2003-2007)*, Suva, Fiji, May 2002, 8-9; available from <http://www.undg.org/index.cfm?P=234&f=T>. See also Government of Tuvalu and the UN Development Programme Fiji Multi-Country Office, *Country Programme Action Plan (CPAP) 2008-2012 between The Government of Tuvalu and the United Nations Development Programme Fiji Multi-Country Office*, 2007, 2; available from http://www.undp.org/asia/country_programme/CPAP/KIRIBATI_CPAP_2008-2012.pdf.

⁵¹³⁴ Government of Tuvalu, *Employment Ordinance*, (April 22, 1966), articles 74-75, and 84-85; available from http://www.pacii.org/tv/legis/consol_act/eo202/.

⁵¹³⁵ *Ibid.*, articles 77, 79, 83-87.

⁵¹³⁶ *Ibid.*, articles 43-44, 60, and 91-101.

⁵¹³⁷ *Ibid.*, articles 91-98.

⁵¹³⁸ *Ibid.*, article 83.

⁵¹³⁹ *Ibid.*, article 90.

⁵¹⁴⁰ Government of Tuvalu, *The Constitution of Tuvalu*, (1 October 1986), articles 17-18 and 26; available from <http://tuvalu-legislation.tv/cms/index.php/legislation/current/all-by-category.html>. See also Government of Tuvalu, *Penal Code*, (October 18, 1965), articles 132, 136, 140, 143, 145-146, and 241-249; available from http://www.tuvalu-legislation.tv/cms/images/LEGISLATION/PRINCIPAL/1965/1965-0007/PenalCode_1.pdf. See also Government of Tuvalu, *Employment Ordinance*, article 43.

⁵¹⁴¹ Government of Tuvalu, *Penal Code*, articles 131-149, 160.

⁵¹⁴² *Ibid.*, articles 140-149.

⁵¹⁴³ Committee on the Elimination of Discrimination against Women, *Concluding Observations of the CEDAW*, 8. See also Government of Tuvalu, *Penal Code*, articles 128-149, 157-158, and 160.

⁵¹⁴⁴ ILO and the Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, 11.

⁵¹⁴⁵ *Ibid.*, 6, 11. See also Office of the High Commissioner for Human Rights, *Compilation Prepared by the Office of the High Commissioner for Human Rights*, 6. See also UN Office of the United Nations Resident Coordinator, *United Nations Development Assistance Framework*, 4, 6. See also United Nations Development System - Fiji and Samoa, *UNDAF for the Pacific Subregion (2008-2012)*, 12.

⁵¹⁴⁶ U.S. Embassy- Suva, *reporting*, February 3, 2010, section 1.

⁵¹⁴⁷ ILO and Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, 6.

⁵¹⁴⁸ U.S. Embassy- Suva, *reporting*, January XX, 2009, para 24. See also Tuvalu Ministry of Finance, *Household Income and Expenditure Survey 18-19* and Table 5A.

⁵¹⁴⁹ Government of Tuvalu, *Penal Code*, articles 143 and 147.

⁵¹⁵⁰ *Ibid.*, article 144.

⁵¹⁵¹ Committee on the Elimination of Discrimination against Women, *Concluding Observations of the CEDAW*, 8. See also Government of Tuvalu and the Committee on the Elimination of Discrimination against Women, *Responses to the list of issues and questions with regard to the consideration of the combined initial and second periodic report*, United Nations, August 13, 2009, 10; available from <http://tb.ohchr.org/default.aspx?country=tv>.

⁵¹⁵² U.S. Embassy- Suva, *reporting*, February 3, 2010, section 1. See also U.S. Embassy- Suva, *reporting*, December XX, 2007, 6d.

⁵¹⁵³ ILO and Government of Tuvalu, *Decent Work Country Programme: Tuvalu*, 5-6 and 16-17.

⁵¹⁵⁴ *Ibid.*

⁵¹⁵⁵ *Ibid.*, 4.

⁵¹⁵⁶ *Ibid.*, 10-17.

⁵¹⁵⁷ *Ibid.*, 10. See also Committee on the Elimination of Discrimination against Women, *Concluding Observations of the CEDAW*, 2-3.

⁵¹⁵⁸ U.S. Embassy- Suva, *reporting*, February 3, 2010, section 1.

⁵¹⁵⁹ Government of Tuvalu and the UN Development Programme, *Tuvalu MDG Report 2006*, 12-13.

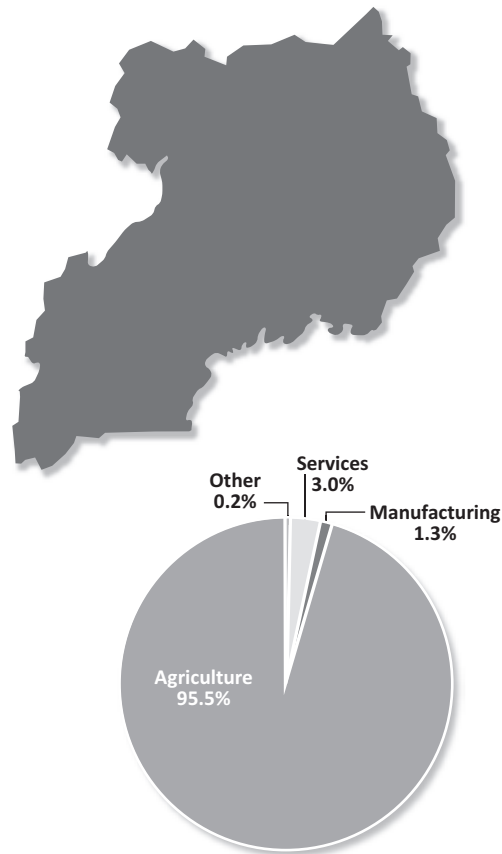
⁵¹⁶⁰ Tuvalu Department of Education, *Strategic Plan, 2006-2010*, 2006, 4; available from http://planipolis.iiep.unesco.org/format_liste1_en.php?Chp2=Tuvalu.

Uganda

The Government of Uganda continues to implement policy initiatives and some programs for the prevention and elimination of the worst forms of child labor, including for children affected by war. However, significant gaps remain in the Governments law enforcement efforts. In addition, there continue to be reports of forced child labor in the agriculture, fishing, and domestic labor sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	31.1%
Attending School	5-14 yrs.	84.2%
Combining Work and School	7-14 yrs.	35.3%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵¹⁶¹

Approximately 31.1 percent of children age 5 to 14 were estimated to be working in Uganda. That same year, 84.2 percent of children age 5 to 14 were attending school. While attendance appears to be high, the reality is that many children combine school and work. Approximately 35.3 percent of children age 5 to 14 were estimated to be both working and studying.⁵¹⁶²

Children in Uganda are exploited in the worst forms of child labor, many of them in crop farming and commercial agriculture, including in the production of tea, sugarcane, tobacco, rice, vanilla, and coffee.⁵¹⁶³ Children also cut and burn trees to produce charcoal.⁵¹⁶⁴ Children work in fishing and caring for livestock.⁵¹⁶⁵ Children who work in these agriculture-related sectors do so under dangerous conditions, including working long hours and carrying heavy loads.⁵¹⁶⁶ In addition, according to the 2005-2006 Understanding Children's Work Study in Uganda, children in rural areas are three times more likely to work than children in urban areas and child

participation in work is highest in the eastern and central geographical regions.⁵¹⁶⁷

Other worst forms of child labor exist in the urban informal sector, where children work long hours selling small items on the streets. Children working on the streets are exposed to a variety of risks, which may include severe weather, accidents caused by proximity to automobiles, and vulnerability to criminal elements. Children also risk exposure to dangerous activities and exploitation while working in bars, restaurants, and in brick making and laying.⁵¹⁶⁸ Children in Uganda are also exploited in the worst forms of child labor in cross-border trading with the Democratic Republic of Congo, Sudan, Rwanda, and Kenya by undertaking activities in the transportation and loading of goods.⁵¹⁶⁹

Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of salt, stone, and pornography.⁵¹⁷⁰ Children in Uganda also work as domestic servants. Child domestic labor commonly involves long hours of work and dangerous activities, while often exposing children to physical and sexual exploitation by their

employer.⁵¹⁷¹ Some children as young as age 10 are victims of commercial sexual exploitation.⁵¹⁷²

Uganda is a source and destination country for the trafficking of children. Children are trafficked internally for sexual exploitation, and forced labor, and children, specifically Karamojong children, are sold at cattle markets.⁵¹⁷³ Children are trafficked for forced labor in fishing, agriculture, and domestic labor.⁵¹⁷⁴ Ugandan children are also trafficked to European and East African countries for commercial sexual exploitation and forced labor.⁵¹⁷⁵ In addition, there are reports that Ugandan children are trafficked to Pakistan, Egypt, Turkey, the United Arab Emirates, Saudi Arabia, and Iraq for labor exploitation.⁵¹⁷⁶ Children from the Democratic Republic of the Congo, Rwanda, Kenya, Tanzania, and Burundi are trafficked to Uganda for commercial sexual exploitation and agricultural work. Children are also trafficked from India to Uganda for commercial sexual exploitation.⁵¹⁷⁷

There were no reports of abduction or recruitment of new child soldiers in Uganda by the Government of Uganda People's Defense Forces (UPDF) or the Lord's Resistance Army (LRA).⁵¹⁷⁸ However, it is unclear whether the LRA has released all of the Ugandan children within their ranks and whether they have completely ceased using children in a combat capacity, given that up to 40,000 previously abducted children are reportedly still missing, and there are reports of ongoing abductions by the LRA in the Democratic Republic of the Congo, and southern Sudan.⁵¹⁷⁹

Laws and Regulations on the Worst Forms of Child Labor

The Government of Uganda has several laws to protect children from the worst forms of child labor. According to the Employment Act, the minimum age for admission to work in Uganda is 14.⁵¹⁸⁰ The law states that no child under age 18 years may be employed in hazardous work or between 7 p.m. and 7 a.m.⁵¹⁸¹ The Government of Uganda has drafted, but not adopted, a hazardous child labor list. In addition, the gap between the minimum age for compulsory education and work may contribute to the involvement of children in the worst forms of child labor, as they are not required to be in school and are below the minimum age for work.

The Government of Uganda has other laws to protect children from the worst forms of child labor. According to the Constitution, the law prohibits slavery and forced labor.⁵¹⁸² While trafficking in persons is not a specific violation under Ugandan law, related offenses such as abduction and detention of a person for sexual intent, trading in slaves, and "defilement" (defined as having sex with a girl under age 18), can receive the death penalty.⁵¹⁸³ Prostitution is illegal in Uganda, as is the procurement and pimping of a prostitute. However laws regarding the procurement and pimping of a prostitute are only applicable to female victims, as are laws regarding the defilement of a child.⁵¹⁸⁴ This leaves a gap in legislation, allowing male victims to remain unprotected. The minimum age for voluntary military service in Uganda is 18 and there is no conscription for the military.⁵¹⁸⁵

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	12
	Free Public Education	Yes

Institutional Mechanisms for Monitoring and Enforcement

The Ministry of Gender, Labor, and Social Development (MGLSD) is the lead agency for monitoring and combating child labor and trafficking through a variety of strategies, including policy reform and victim assistance.⁵¹⁸⁶

The MGLSD has two units responsible for children's issues: the Orphan and Vulnerable Children's Unit (OVCU) and the Child Labor Unit (CLU).⁵¹⁸⁷ The mandate of the OVCU is to provide a framework for and provide services to orphans, vulnerable children, and their families. The OVCU largely focuses on children affected by HIV/AIDS.⁵¹⁸⁸ The CLU serves as a resource for labor inspectors, and is responsible for working with organizations like the ILO to implement awareness raising and prevention campaigns. The CLU is also charged with developing the National Child Labor Action Plan.⁵¹⁸⁹ The Government has a Child Labor Steering Committee, which includes representatives from the Ministries of Gender and Labor, Agriculture, Education and Sports, Local Governments, and other Stakeholders including national and international organizations. However, the committee lacks the resources to communicate and coordinate regularly with each other and their respective organizations.⁵¹⁹⁰ During the reporting period, the Government also created an inter-ministerial Anti-Sacrifice and Trafficking in Persons task force (ATSP), which is charged with drafting policy and implementing public information campaigns, as well as managing and investigating trafficking cases.⁵¹⁹¹

The MGLSD is also the lead agency in charge of enforcing child labor and trafficking laws in Uganda.⁵¹⁹² It has 60 child labor inspectors that investigate child labor issues.⁵¹⁹³ However, the MGLSD's child labor inspection and child trafficking protection efforts were hampered by lack of funding and staff.⁵¹⁹⁴ Although information on the number of inspections carried out in the reporting period are unavailable, most of the inspections took place at formal work places. Reportedly, a lack of resources and staff inhibits monitoring and inspection in rural worksites.⁵¹⁹⁵ The Government of Uganda provided training for district labor inspectors.⁵¹⁹⁶ However, there is no information on the scope or quality of the training. A complaint system for child labor has been established by the ILO, in coordination with the MGLSD. However, both the MGLSD and the Uganda Police Force are unable to provide statistics on the number of calls received regarding child labor and trafficking complaints, and there were no reported cases of child labor violations at the national level.⁵¹⁹⁷ Given the extent of the child labor problem in the country, this may be due to a lack of awareness about the issue or the mechanism for filing complaints.

The Ministry of Internal Affairs is the lead agency for enforcing anti-trafficking laws, with oversight of the Ugandan Police Force and the Criminal Investigation Division.⁵¹⁹⁸ Additionally, the Ministry of Justice and the Directorate for Public Prosecutions is charged with prosecuting trafficking cases.⁵¹⁹⁹ In addition, a lack of resources and court backlogs create obstacles to the convictions of traffickers. The Uganda Police Force has a Child and Family Protection Unit (CFPU) which has 200 officers who manage complaints regarding child protection issues.⁵²⁰⁰ The CFPU reports managing over 31 child labor complaints during the reporting period.⁵²⁰¹ However, its capacity to conduct enforcement efforts and to monitor is constrained by lack of resources.⁵²⁰² In addition to the CFPU, the ATSP is also charged with investigating trafficking crimes at the national, regional, and local level. However, the ATSP lacks sufficient communications equipment and vehicles. This severe lack of resources hampers the ability of ATSP to perform its duties.⁵²⁰³ A lack of systematic reporting of crimes from the police force creates difficulties for ATSP monitoring the incidence of trafficking in Uganda.⁵²⁰⁴ In addition to the CFPU and the ATSP, the Uganda Human Rights Commission is responsible for reporting and investigating human rights abuses.⁵²⁰⁵

Along with investigations, the CFPU, also provides trainings to local police regarding children's rights, and on measures to identify and prevent trafficking.⁵²⁰⁶ Research indicates that specialized anti-trafficking training was provided to 150 new law enforcement officials during the reporting period.⁵²⁰⁷ All incoming police officers are required to partake in a one-day trafficking response course provided by the CPFU.⁵²⁰⁸ Additionally during the reporting period, a two-week anti-trafficking training was provided by the U.S. to 28 Ugandan Police Force and immigration officials.⁵²⁰⁹

While, ATSP's mandate also covers the use of children in illicit activities and the use of children in commercial sexual exploitation, there are no special units in Uganda that specifically deal with these two issues.⁵²¹⁰

During the reporting period, there was some prosecution of trafficking crimes, including investigations, some arrests, a pending trial, and issuance of a fine. In other cases, however, there is no evidence of sanctions placed on the perpetrators of crimes.⁵²¹¹ The small number of prosecutions,

however, and the issuance of a fine for such a serious crime, suggest that insufficient resources and commitment are dedicated to the problem.⁵²¹²

Government Policies on the Worst Forms of Child Labor

The Government of Uganda has developed a National Action Plan for the Elimination of Child Labor, with support from ILO-IPEC.⁵²¹³ In addition, the Government of Uganda cooperates with the UN and its partners regarding implementation of another action plan, the signed January 2009 action plan, which follows the recommendations of the Security Council Working Group on Children and Armed Conflict. The action plan aims to raise awareness, release and reintegrate child recruits, and enforce laws on children associated with armed forces.⁵²¹⁴ According to the UN, the Government of Uganda's participation in the action plan to date has been "effective," by monitoring military recruitment processes and undertaking verification visits to the North, to ensure that children are not being recruited into armed forces.⁵²¹⁵

Child labor concerns have also been mainstreamed into the following national development agendas and key documents: Millennium Development Goals (2015), United Nations Development Assistance Framework (2006-2010), and National Education Development Plan (2004-2015).⁵²¹⁶ Research has not uncovered the extent or degree to which these plans have been implemented.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Uganda has participated in the implementation of programs to eliminate the Worst Forms of Child Labor.

The Government of Uganda participated in several USDOL-funded projects that have ended, including: two regional projects that totaled \$8,301,486, implemented by ILO-IPEC, and targeted children affected by HIV/AIDS; and a \$1,196,262 project implemented by ILO-IPEC that provided educational alternatives to vulnerable youth. Research indicates that initiatives started under these projects are being carried on by the Government of Uganda, including through ongoing USDOL-funded projects.

The Government of Uganda is participating in a USDOL-funded, 4-year, \$4.79 million Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labor.⁵²¹⁷ This project, implemented by ILO-IPEC, aims to withdraw and prevent 8,138 children from exploitive child labor in agriculture, commercial sexual exploitation, fishing, domestic work, construction, mining, quarrying, and the urban informal sector.⁵²¹⁸

The Government participates in a 4-year, \$5.5 million project funded by USDOL and implemented by the International Rescue Committee (IRC) and the Italian Association for Volunteers in International Service titled Livelihoods, Education and Protection to End Child labor (LEAP).⁵²¹⁹ The LEAP project aims to contribute to the prevention and elimination of child labor in Northern Uganda and the Karamoja region through awareness raising and improving access to and quality of education. The project aims to withdraw and prevent 11,275 children from exploitive labor.⁵²²⁰

The Government of Uganda participated in the 4-year Kenya, Uganda, Rwanda, and Ethiopia Together (KURET) project, which was funded by USDOL at \$14.5 million and World Vision at \$5.9 million. Implemented by World Vision, in partnership with the IRC and the Academy for Educational Development, the project withdrew and prevented a total of 32,823 children from exploitive labor in HIV/AIDS-affected areas of these four countries through the provision of educational services.⁵²²¹ Despite these important projects that have been implemented using external donor funding, Government supported efforts still fall short of reaching the large numbers of children in the worst forms of child labor in Uganda.

The Governments of Uganda, the Central African Republic, the Democratic Republic of the Congo, and southern Sudan continued to coordinate joint military operations to rescue abductees by the LRA, during the reporting period.⁵²²² During the year, the Government of Uganda took steps to protect and support child trafficking victims that had been demobilized from the LRA, including provision of services such as shelter and education. However, Government of Uganda efforts to provide services to other types of child trafficking are lacking.⁵²²³

At a regional and policy level, the Government of Uganda participates in the East African Police Chiefs Cooperation Organization (EAPCCO) to strengthen regional cooperation and capacities among East

African law enforcement authorities. The project is funded with \$38 million by the UNDOC, and funding partners.⁵²²⁴ Research indicates that the success of this project has yet to be determined.⁵²²⁵

Also during the reporting period, the Government of Uganda participated in an anti-trafficking project funded by the USDOS at \$500,000, which trained 178 law enforcement officers on identification, prevention, and protection of child trafficking victims.⁵²²⁶ The Government of Uganda continues awareness-raising activities on trafficking and commercial sexual exploitation through radio, billboards, and other programs.⁵²²⁷

The Government of Uganda supports programs that help Karamojong children, including removing them from the streets of Kampala and placing them in shelters.⁵²²⁸ The Government of Uganda continues

its support for NGO-run shelters that provide medical care, psychological, and other services to vulnerable children.⁵²²⁹ During the reporting period, the Government of Uganda established a hotline for trafficking victims.⁵²³⁰ Also, with assistance support from NGOs, the Government provides support to returning children who had been abducted by armed forces; research indicates that these Government efforts have been somewhat successful.⁵²³¹ However, given the magnitude of the concerns, these efforts are not sufficient to address the problem.

The Government has also partnered with the ILO to implement a campaign to stop modern-day slavery. The campaign uses posters, stickers, and pamphlets to distribute messages, and provides contact information for police reporting and NGO hotlines. However, no reported calls were received by the police during the reporting period.⁵²³²

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Uganda:

IN THE AREA OF LAWS AND REGULATIONS:

- Adopt a law codifying the draft list of hazardous activities prohibited to children, and verify that penalties for violations are sufficiently severe.
- Formally adopt the anti-trafficking law, which should include sufficiently severe penalties for violations involving children.
- Adopt legislation that raises the age for compulsory education and commiserates with the minimum age for work.
- Adopt legislation that expands the definition of the crime of “defilement” to include boys as well as girls.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Take all necessary measures to effectively enforce child labor and trafficking laws, including by:
 - Providing sufficient funding to relevant Departments and Ministries.
 - Increasing the number of labor inspectors.
 - Increasing training for law enforcement officers, judges, and prosecutors.
- Provide the Child Labor Steering Committee with adequate funding and resources to ensure effective communication and coordination between relevant agencies.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children’s involvement in exploitive child labor, including by:
 - Working with donors to scale up efforts.
 - Drawing on successful models that have been implemented in existing child labor projects.
 - Implementing projects that target forced child labor and child trafficking (in addition to children affected by war), as well as social programs that address the root causes of trafficking and exploitation of children from the Karamoja region.
- Raise awareness on and enhance complaint hotline mechanisms to ensure that child labor and child trafficking cases are reported, investigated, and data is recorded.

⁵¹⁶¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵¹⁶² UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank Surveys, *Child Economic Activity and School Attendance Rates*, March 25, 2008.

⁵¹⁶³ U.S. Department of State, "Uganda," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>.

⁵¹⁶⁴ Development Research and Training, *Final Report: Children's Holiday Work in Gulu and Lira Districts*, KURET (Kenya, Uganda, Rwanda, Ethiopia Together), May 2007, 23; available from <http://www.kuret.or.ug/Articles/reports/Final%20holiday%20activity%20report.pdf> [hard copy on file]. See also Annan Jeannie, Christopher Blattman, and Roger Horton, *The State of Youth and Youth Protection in Northern Uganda: Findings from the Survey for War Affected Youth*, Survey for War Affected Youth (SWAY), September 2006, 29; available from <http://chrisblattman.com/documents/policy/sway/SWAY.Phase1.FinalReport.pdf>. See also ILO-IPEC, *A Report on Child Labour in General Agriculture in Uganda*, Geneva, 2006, section 6.5.3.

⁵¹⁶⁵ ILO-IPEC, *Child Labour in General Agriculture*, IX. See also ILO-IPEC, *Child Labor Baseline Survey*, October 2009, xii; available from <http://www.ilo.org>.

⁵¹⁶⁶ ILO-IPEC, *Child Labour in General Agriculture*, IX, IV.

⁵¹⁶⁷ Uganda Bureau of Statistics, *Understanding Children's Work in Uganda: Country Report*, ILO-IPEC and UCW, August 2008, section 7; available from <http://ucw-project.org/pdf/publications/Uganda.pdf>.

⁵¹⁶⁸ ILO-IPEC, *Report of the Sectoral Study on Child Labour and the Urban Informal Sector in Uganda*, Geneva, June 2004, iv-v, 36-37; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=703>. See also U.S. Department of State, "Country Reports- 2009: Uganda," section 7d. See also Elizabeth Stites, Darlington Akabwai, Dyan Mazurana, and Priscilla Ateyo, *Angering Akujū: Survival and Suffering in Karamoja: A Report on Livelihoods and Human Security in the Karamoja Region of Uganda*, Tufts University, Medford, December 2007, 32; available from <https://wikis.uit.tufts.edu/confluence/download/attachments/14553663/Stites--Angering+Akujū--Survival+and+Suffering+in+Karamoja.pdf?version=1>. See also U.S. Embassy- Kampala, *reporting*, February 16, 2010, para 2a.

⁵¹⁶⁹ ILO-IPEC, *Child Labour and Cross Border Trade in Uganda*, Geneva, June 2004, v, viii, 3; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=701>.

⁵¹⁷⁰ U.S. Department of State, "Country Reports- 2009: Uganda," section 7d. See also ILO-IPEC, *Child Labour Wages and Productivity: Results from Demand-Side Surveys*, SIMPOC, Geneva, May 2007, 8; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=7065>. See also ILO-IPEC, *Report of the Sectoral Study on Child Labour and Commercial Sex Exploitation of Children in Uganda*, Geneva, June 2004, 46, 48; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=702>. See also World Vision, *Situation of Child Labor and Education in East Africa: A Baseline Study and Situational Analysis for Kenya, Uganda, Rwanda, and Ethiopia Together*, Washington, DC, February 2, 2006, table 10.

⁵¹⁷¹ U.S. Department of State, "Country Reports- 2009: Uganda," section 7d. See also ILO-IPEC, *Child Labour Wages and Productivity Survey Report*, 7.

⁵¹⁷² ILO-IPEC, *Child Labour and Commercial Sex Exploitation* 46, 48. See also World Vision, *KURET Project, Baseline Study*, table 10.

⁵¹⁷³ Save the Children, *A Chronic Emergency: Child Protection Issues Among Communities in Karamoja Region*, Kampala, 2006, sections 8.11, 10.1. See also U.S. Department of State, "Uganda (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm>. See also U.S. Department of State, "Trafficking in Persons Report- 2009: Uganda."

⁵¹⁷⁴ U.S. Department of State, “Trafficking in Persons Report- 2009: Uganda.”

⁵¹⁷⁵ Ibid.

⁵¹⁷⁶ U.S. Department of State, “Country Reports- 2009: Uganda,” section 5.

⁵¹⁷⁷ U.S. Department of State, “Trafficking in Persons Report- 2009: Uganda.” See also U.S. Embassy- Kampala, *reporting*, February 25, 2010, para 25d.

⁵¹⁷⁸ U.S. Department of State, “Country Reports- 2009: Uganda,” section 5. See also UN Office of the Special Representative of the Secretary-General for Children in Armed Conflict, *Developments on Uganda*, March 26, 2009; available from <http://www.un.org/children/conflict/english/uganda.html>.

⁵¹⁷⁹ UN Security Council, *Additional Report of the Secretary-General on Children and Armed Conflict in Uganda*, S/2008/409, June 23, 2008, 1; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N08/376/76/PDF/N0837676.pdf?OpenElement>. See also U.S. Department of State, “Country Reports- 2009: Uganda,” section 5.

⁵¹⁸⁰ Government of Uganda, *The Employment Act, 2006*, (June 8, 2006), act 6, 32 (1-3); available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/74416/76582/F1768664138/UGA74416.pdf>.

⁵¹⁸¹ Ibid., act 6, part I (2), 32 (1-5).

⁵¹⁸² Government of Uganda, *Constitution*, (1995), chapter 4, article 25; available from http://www.ulii.org/ug/legis/consol_act/cotrou19950364/.

⁵¹⁸³ Government of Uganda, *Penal Code*, (June 15, 1950), chapter XIV, articles 126, 129, 134, chapter XXIV article 250; available from http://www.ulii.org/ug/legis/consol_act/pca195087/.

⁵¹⁸⁴ Ibid., articles 31-40.

⁵¹⁸⁵ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org/home>.

⁵¹⁸⁶ U.S. Department of State, “Country Reports- 2009: Uganda,” section 5. See also U.S. Embassy- Kampala, *reporting*, February 16, 2010.

⁵¹⁸⁷ U.S. Embassy- Kampala, *reporting*, February 16, 2010.

⁵¹⁸⁸ Ministry of Gender, Labour, and Social Development, *National Orphans and Other Vulnerable Children Policy*, Kampala, May 2004, 7; available from http://www.worlded.org/docs/Publications/hiv/ovc_policy.pdf.

⁵¹⁸⁹ U.S. Embassy- Kampala, *reporting*, February 16, 2010.

⁵¹⁹⁰ Ibid.

⁵¹⁹¹ U.S. Embassy- Kampala, *reporting*, February 25, 2010. See also U.S. Department of State, “Country Reports- 2009: Uganda.”

⁵¹⁹² U.S. Department of State, “Country Reports- 2009: Uganda,” section 5. See also U.S. Embassy- Kampala, *reporting*, February 16, 2010.

⁵¹⁹³ U.S. Department of State, “Country Reports- 2009: Uganda.”

⁵¹⁹⁴ Ibid., section 7d. See also U.S. Department of State, “Trafficking in Persons Report- 2009: Uganda.” See also U.S. Embassy- Kampala, *reporting*, February 16, 2010, para 2c.

⁵¹⁹⁵ U.S. Embassy- Kampala, *reporting*, February 16, 2010, para 2c.

⁵¹⁹⁶ U.S. Department of State, “Country Reports- 2009: Uganda,” section 7d.

⁵¹⁹⁷ U.S. Embassy- Kampala, *reporting*, February 16, 2010.

⁵¹⁹⁸ U.S. Embassy- Kampala, *reporting*, February 25, 2010.

⁵¹⁹⁹ Ibid.

⁵²⁰⁰ U.S. Embassy- Kampala, *reporting*, February 16, 2010, para 2c.

⁵²⁰¹ U.S. Embassy- Kampala official, E-mail communication to USDOL official, August 13, 2010.

⁵²⁰² U.S. Embassy- Kampala, *reporting*, February 25, 2010, para 26f.

⁵²⁰³ Ibid. See also U.S. Department of State, “Country Reports- 2009: Uganda.”

⁵²⁰⁴ U.S. Embassy- Kampala, *reporting*, February 25, 2010.

⁵²⁰⁵ U.S. Department of State, “Country Reports- 2009: Uganda,” section 5.

⁵²⁰⁶ U.S. Embassy- Kampala, *reporting*, February 25, 2010.

⁵²⁰⁷ Ibid.

⁵²⁰⁸ Ibid., para 27f.

⁵²⁰⁹ Ibid.

⁵²¹⁰ U.S. Embassy- Kampala, *reporting*, February 16, 2010, para 2d. See also U.S. Embassy- Kampala official, E-mail communication, August 13, 2010.

⁵²¹¹ U.S. Embassy- Kampala, *reporting*, February 25, 2010.

⁵²¹² Ibid.

⁵²¹³ ILO-IPEC, *Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labour*, Project Document, Geneva, September 26, 2008, i. See also ILO-IPEC, *Project of Support for the Preparatory Phase of the Uganda National Action Plan for the Elimination of Child Labour*, Technical Progress Report, Geneva, September 2009.

⁵²¹⁴ UN Security Council, *Report of the Secretary-General for Children in Armed Conflict in Uganda*, September 15, 2009, 3; available from <http://daccess-dds-ny.un.org/doc/UNODC/GEN/N09/506/74/PDF/N0950674.pdf?OpenElement>.

⁵²¹⁵ UN Security Council, *Additional Report of the Secretary-General*, 3-4.

⁵²¹⁶ UN, *Development Assistance Framework, 2006-2010: Uganda*, Kampala, 2005; available from http://www.undg.org/archive_docs/5913-Uganda_UNDAF_2006-2010_.pdf. See also Millennium Development Goals Monitor, *Progress by Goal: Uganda*, [online] n.d. 2007 [cited April 11, 2010]; available from http://www.mdgmonitor.org/country_progress.cfm?c=CIV&cd=384. See also Ministry of Education and Sports, *Education Sector Strategic Plan, 2004-2015: Uganda*, Kampala, June 2004; available from http://planipolis.iiep.unesco.org/upload/Uganda/Uganda_ESSP_2004_2015.pdf.

⁵²¹⁷ ILO-IPEC, *Support for Prep Phase of the National Action Plan, Project Document-2008*, i.

⁵²¹⁸ *Ibid.*, 30-31, 46-48.

⁵²¹⁹ International Rescue Committee, *Livelihoods, Education, & Protection to End Child labor in Uganda (LEAP)*, Project Document, New York, January 7, 2009, 1.

⁵²²⁰ *Ibid.*, 3, 37-41.

⁵²²¹ World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Project Document, Washington, DC, July 18, 2005, i, 2, 9. See also World Vision, *Kenya, Uganda, Rwanda, and Ethiopia Together (KURET)*, Final Report, Washington, DC, June 2009, 4, 59.

⁵²²² U.S. Embassy- Kampala, *reporting, February 25, 2010*, para 27g.

⁵²²³ U.S. Department of State, “Trafficking in Persons Report- 2009: Uganda.”

⁵²²⁴ UNODC, *Promoting the Rule of Law and Human Security in Eastern Africa: Regional Programme 2009-12*, December, 2009, 3; available from http://www.unodc.org/documents/easternafrika/regional-ministerial-meeting/Eastern_Africa_Regional_Programme_Final_Draft.pdf.

⁵²²⁵ U.S. Embassy- Kampala official, E-mail communication, August 13, 2010.

⁵²²⁶ U.S. Embassy- Kampala, *reporting, February 16, 2010*, para 2c and 2d.

⁵²²⁷ U.S. Department of State, “Country Reports- 2009: Uganda,” section 7d.

⁵²²⁸ *Ibid.*, section 5.

⁵²²⁹ U.S. Embassy- Kampala, *reporting, February 25, 2010*, para 25b.

⁵²³⁰ U.S. Department of State, “Trafficking in Persons Report- 2009: Uganda.”

⁵²³¹ U.S. Department of State, “Country Reports- 2009: Uganda,” section 5. See also U.S. Embassy- Kampala official, E-mail communication, August 13, 2010.

⁵²³² U.S. Embassy- Kampala, *reporting, February 16, 2010*.

Ukraine

The Government of Ukraine has implemented a policy framework to eliminate some of the worst forms of child labor, including child trafficking and commercial sexual exploitation. However, hazardous child labor persists in agriculture, and children are subjected to forced prostitution and pornography. Furthermore, social programs do not address the most prevalent worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.1%
Attending School	5-14 yrs.	95.8%
Combining Work and School	7-14 yrs.	2.8%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Ukraine are exploited in the worst forms of child labor,⁵²³³ many of them in agriculture.⁵²³⁴ Such work may involve harmful activities, such as using potentially dangerous machinery and tools, carrying of heavy loads, and applying toxic pesticides. Children also engage in street work,⁵²³⁵ where they may be exposed to severe weather, criminal elements, and accidents caused by proximity to vehicles.

Children work in informal surface coalmines, mining and sorting the coal, and carrying and loading the coal onto trucks.⁵²³⁶ These informal mines lack safety measures and children are at risk of injury.⁵²³⁷

Children in Ukraine are also found in commercial sexual exploitation including prostitution, pornography, and sex tourism.⁵²³⁸ According to Ukrainian and international law enforcement authorities, a large amount of child pornography on the Internet comes from Ukraine.⁵²³⁹

Trafficking of children also occurs, with children trafficked for sexual and labor exploitation both within Ukraine and internationally.⁵²⁴⁰ Trafficked children

are often forced to work as beggars or prostitutes.⁵²⁴¹ Homeless, orphan, and poor children are at a high risk of trafficking and are targeted by recruiters for child pornography.⁵²⁴²

Laws and Regulations on the Worst Forms of Child Labor

The Labour Code sets the minimum age for employment at 16, but children who have reached the age of 15 can perform “light” work with the permission of a parent, but the law does not clearly define the term.⁵²⁴³ The Constitution, the Labour Code, and the Workers’ Protection Act prohibit children under age 18 from working in hazardous conditions.⁵²⁴⁴ The Ministry of Health published a list of prohibited hazardous work in 1994.⁵²⁴⁵




However, children who have reached the age of 14 can work in the occupations and processes cited as hazardous if they do so as a part of vocational technical training, work no more than 4 hours per day, and observe strict sanitary and health norms.⁵²⁴⁶

Article 150 of the Criminal Code outlaws the exploitation of children.⁵²⁴⁷ Articles 304 and 309 of the *Code* criminalize engaging children in criminal

activities, including the production, purchase, storage, or transportation of drugs.⁵²⁴⁸ Article 302 outlaws using children in prostitution.⁵²⁴⁹

Forced labor is prohibited in the Constitution.⁵²⁵⁰ Article 149 of the Criminal Code prohibits trafficking in persons, both for sexual service and labor. This article is applicable to both internal and international trafficking.⁵²⁵¹ The Code increases penalties for trafficking if the victim is a minor.⁵²⁵²

The compulsory military recruitment age is 18.⁵²⁵³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee (NSC) to combat child labor is chaired by the Ministry of Labor and Social Policy (MOLSP) and comprises seven ministries along with representatives from workers' and employers' organizations, NGOs, and youth government associations.⁵²⁵⁴ The NSC is responsible for overseeing interagency task forces on childhood protection, demographic development, and child trafficking.⁵²⁵⁵

The Ministry of Family, Youth, and Sport is responsible for coordinating efforts to combat human trafficking

at the national level.⁵²⁵⁶ At the *oblast* (provincial) level, *Oblast* Coordination Councils led by the Departments of Family, Youth, and Sports coordinate efforts against trafficking.⁵²⁵⁷

There are six agencies responsible for enforcing hazardous child labor laws, including the MOLSP, the Ministry of the Interior's Criminal Police for Juvenile Affairs (CPJA), the Ministry of Family, Youth, and Sport, the Prosecutor General's Office, and the Security Service of Ukraine.⁵²⁵⁸ The Child Labor Division, under the State Labor Inspectorate in the MOLSP, is the lead agency responsible for enforcement of child labor laws.⁵²⁵⁹ The Ministry of Family, Youth, and Sport, along with the Police Department for Juvenile Affairs, works to identify children involved in the worst forms of child labor in the informal sector.⁵²⁶⁰

The Government employs 860 labor inspectors.⁵²⁶¹ In 2009, it trained 27 regional labor inspectorates, police officers, and social service providers, on topics including child labor.⁵²⁶² During the reporting period, over 20,000 labor inspections were conducted, revealing 347 cases of child labor,⁵²⁶³ and 682 victims of child labor received assistance.⁵²⁶⁴

Criminal Police for Juvenile Affairs (CPJA) is charged with enforcing laws against child trafficking and commercial sexual exploitation of children. The Counter-Trafficking Department of the Ministry of Interior also works to enforce anti-trafficking laws.⁵²⁶⁵ The CPJA employs 600 officers. The CPJA trained its officers on identifying trafficked children, documenting trafficking in persons, and handling referrals.⁵²⁶⁶ Two hotlines accept reports of child trafficking.⁵²⁶⁷ In October, the Government opened an additional hotline to take reports of sexual exploitation of minors on the Internet.⁵²⁶⁸ In 2009, there were 279 reported cases of human trafficking with 42 child victims identified.⁵²⁶⁹ However, most convicted traffickers do not receive jail time.⁵²⁷⁰

In October 2009, the Cabinet of Ministers provided the Ministry of the Interior an additional \$117,500 for enforcement of laws against child trafficking and commercial sexual exploitation, and violence against children.⁵²⁷¹ Still, the Counter-Trafficking Department reports that funding is insufficient to cover transportation, fuel, and translation costs, while the CPJA reports an insufficient training budget.⁵²⁷²

Government Policies on the Worst Forms of Child Labor

In 2006, the Government of Ukraine approved a document entitled Concept of National Programme/ National Action Plan on UN Convention of the Rights of a Child for 2006-2016, which included provisions for assistance to vulnerable children, life skills training, and better legislation for child rights protection.⁵²⁷³

In March 2009, the Government of Ukraine enacted the corresponding National Action Plan (NAP) to Implement the UN Convention on the Rights of the Child. The plan outlines action steps for putting laws into practice which protect children's rights.⁵²⁷⁴ Chapters 4.6 and 4.7 of the NAP address child labor and exploitation, and call for the development of a child labor monitoring system. The NAP allocated approximately \$8,000 for this monitoring system as well as earmarking special funds to combat trafficking, sexual exploitation, and violence against children.⁵²⁷⁵

The Government has also enacted the National Plan on Combating Human Trafficking 2007-2010.⁵²⁷⁶ It involves training government officials in trafficking and child labor issues and developing programs for rehabilitating child trafficking victims.⁵²⁷⁷ The Plan calls for approximately \$292,000 to be allocated for these activities over the four years of the project, and as of January 1, 2010, approximately \$82,000 had been spent.⁵²⁷⁸ An assessment in 2008 revealed that programs to combat trafficking had been adopted at the *oblast* level; coordinating councils had been put in place to monitor human trafficking and were meeting regularly; and centers were in operation which provided social and psychological assistance to human trafficking victims.⁵²⁷⁹

The Government's State Program to Combat Child Homelessness and Neglect (2006-2010) identifies child homelessness as a factor contributing to the worst forms of child labor and aims to identify and support at-risk families.⁵²⁸⁰

Research found no evidence of policy on other worst forms of child labor relevant to Ukraine, particularly children engaged in exploitative work in agriculture.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Ukraine has participated in donor-funded projects to combat child labor in commercial sexual exploitation, rural forced labor, and street labor. A USDOL-funded project that ended in 2006 rescued 3,126 children from hazardous labor through educational initiatives and provided 1,530 parents of ex-working children employment and social services counseling.⁵²⁸¹ The program also raised awareness of child labor through an extensive media campaign, which included training 30 journalists who gained expertise on child labor and who continued to report on the issue.⁵²⁸²

During the reporting period, the Government of Ukraine participated in a \$3.5 million, USDOL-funded regional project that worked to reduce and eliminate trafficking and other worst forms of child labor in six European countries.⁵²⁸³ The project rescued 267 children from commercial sexual exploitation and 1,178 children from other worst forms of child labor through educational and vocational training services.⁵²⁸⁴ Additionally, because of the project, a nationwide child labor monitoring system was mainstreamed into the National Action Plan to Implement the UN Convention on the Rights of the Child.⁵²⁸⁵

The Government also cooperated with NGOs to prevent trafficking in persons and assist victims of trafficking. The Government provided newspaper and television advertising space for anti-trafficking awareness campaigns, as well as offices, transportation, and equipment for anti-trafficking training sessions.⁵²⁸⁶ In an effort to prevent human trafficking, the Ministry of Foreign Affairs operated five centers to provide information to citizens regarding their rights while traveling in foreign countries.⁵²⁸⁷

While the Government has taken steps to implement anti-human trafficking programs, research found no evidence that it has carried out programs to assist children involved in exploitative child labor in agriculture, mining, or street work.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Ukraine:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the law to prohibit children under age 18 from working in hazardous occupations or conditions.
- Amend the *Labor Code* to clearly define the term “light work” as it applies to children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Adopt policies to address all worst forms of child labor.
- Strictly enforce anti-human trafficking laws to ensure violators serve appropriate jail sentences.
- Increase funding to counter-trafficking efforts to provide for necessary transportation, translation, and training costs.

IN THE AREA OF POLICIES:

- Adopt policies to address all worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop and implement programs to address the worst forms of child labor in agriculture, street work, and mining.
- Raise awareness of commercial sexual exploitation of children in pornography and provide programs which address victims’ needs.

⁵²³³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children’s work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section of this report.

⁵²³⁴ ILO-IPEC, *Combating Worst Forms of Child Labour, Including Trafficking in Children in Ukraine 2001-2009*, Kyiv, 2009, article 43; available from http://www.ilo.org/public/english/region/eurpro/budapest/download/fund/ipcc_ukraine.pdf. See also U.S. Department of State, “Ukraine,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from www.state.gov/g/drl/rls/hrrpt/2009/eur/136063.htm.

⁵²³⁵ ILO-IPEC, *Combating Worst Forms of Child Labour*, 2. See also U.S. Embassy- Kyiv, *reporting*, February 1, 2010, section 2A.

⁵²³⁶ British Broadcasting Corporation, “European Press Review”, [news.bbc.co.uk](http://news.bbc.co.uk/2/hi/europe/2727549.stm), [online], February 5, 2003 [cited November 12, 2010]; available from <http://news.bbc.co.uk/2/hi/europe/2727549.stm>. See also ILO, *World Day Against Child Labour 2005: “Kopankas” in Ukraine: Sending children to the “family mine”*, 2005; available from http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Feature_stories/lang--en/WCMS_075562/index.htm. See also ILO-IPEC, *Combating Worst Forms of Child Labour*, 2. See also U.S. Embassy- Kyiv, *reporting*, May 08, 2008.

⁵²³⁷ ILO, *World Day Against Child Labour 2005*.

⁵²³⁸ U.S. Department of State, “Country Reports- 2009: Ukraine,” section 7d. See also ILO-IPEC, *Combating Worst Forms of Child Labour*, 2. See also U.S. Embassy- Kyiv, *reporting*, February 1, 2010, 2A. See also U.S. Embassy- Kyiv, *reporting*, March 3, 2010, 95.

⁵²³⁹ U.S. Department of State, “Country Reports- 2009: Ukraine,” section 6.

⁵²⁴⁰ Ibid. See also U.S. Embassy- Kyiv, *reporting*, February 1, 2010, 2D. See also U.S. Embassy- Kyiv, *reporting*, March 3, 2010, 9, 10.

⁵²⁴¹ U.S. Department of State, “Ukraine,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from www.state.gov/g/tip/rls/tiprpt/2010/142761.htm.

⁵²⁴² U.S. Embassy- Kyiv, *reporting*, March 3, 2010, 15.

⁵²⁴³ ILO-IPEC, *Ukraine Child Labour Data Country*

Brief, Geneva; available from www.ilo.org/ipeinfo/product/download.do?type=document&id=7806. See ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Ukraine (ratification 1979) Submitted: 2008*, [online] 2008 [cited September 27, 2010]; available from www.ilo.org/ilolex/english/newcountryframeE.htm.

⁵²⁴⁴ ILO-IPEC, *Ukraine Child Labour Data Country Brief*.

⁵²⁴⁵ *Ibid.*

⁵²⁴⁶ ILO Committee of Experts, *Direct Request C138: Ukraine 2008*.

⁵²⁴⁷ Government of Ukraine, *Criminal Code*, (September 1, 2001), article 150; available from <http://www.legislationline.org/download/action/download/id/1710/file/e7cc32551f671cc10183dac480fe.htm>/preview.

⁵²⁴⁸ *Ibid.*, articles 304 and 309.

⁵²⁴⁹ *Ibid.*, article 302.

⁵²⁵⁰ Government of Ukraine, *Constitution of Ukraine*, Fifth Session of the Verkhovna Rada of Ukraine (June 28, 1996), article 43; available from <http://www.rada.kiev.ua/const/conengl.htm>.

⁵²⁵¹ Government of Ukraine, *Criminal Code*, article 149. See also U.S. Embassy- Kyiv, *reporting, March 3, 2010*, 46.

⁵²⁵² Government of Ukraine, *Criminal Code*, article 149.

⁵²⁵³ Coalition to Stop the Use of Child Soldiers, "Ukraine," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁵²⁵⁴ ILO-IPEC, *Combating Worst Forms of Child Labour*, 4. See also ILO-IPEC, *National Programme for the Prevention and Elimination of Worst Forms of Child Labour in Ukraine*, Final Technical Progress Report, Geneva, December 8, 2006, 4-5.

⁵²⁵⁵ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2E.

⁵²⁵⁶ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para 30.

⁵²⁵⁷ *Ibid.*, para 23.

⁵²⁵⁸ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2C.

⁵²⁵⁹ U.S. Department of State, "Country Reports- 2009: Ukraine," section 7d.

⁵²⁶⁰ *Ibid.*

⁵²⁶¹ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D.

⁵²⁶² *Ibid.*, 2C.

⁵²⁶³ *Ibid.*

⁵²⁶⁴ *Ibid.*

⁵²⁶⁵ *Ibid.*, 2D.

⁵²⁶⁶ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para 140.

⁵²⁶⁷ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D.

⁵²⁶⁸ *Ibid.*, 2C.

⁵²⁶⁹ *Ibid.*, 2D.

⁵²⁷⁰ U.S. Department of State, "Trafficking in Persons Report- 2010: Ukraine."

⁵²⁷¹ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2D.

⁵²⁷² *Ibid.*

⁵²⁷³ ILO-IPEC, *National Programme for the Prevention and Elimination of Worst Forms of Child Labour in Ukraine, Final Technical Progress Report*, 6.

⁵²⁷⁴ U.S. Embassy- Kyiv, *reporting, February 1, 2010*, 2B.

⁵²⁷⁵ *Ibid.*, 2B, 2E.

⁵²⁷⁶ ILO-IPEC, *Combating Worst Forms of Child Labour*, 6.

⁵²⁷⁷ ILO-IPEC, *Trafficking and other Worst Forms of Child Labour in Central and Eastern Europe (Phase II)*, Technical Progress Report, Geneva, September 2007, 6.

⁵²⁷⁸ U.S. Embassy- Kyiv, *reporting, March 3, 2010*, para 20.

⁵²⁷⁹ *Ibid.*, para 37.

⁵²⁸⁰ ILO-IPEC, *Combating Worst Forms of Child Labour*, 6.

⁵²⁸¹ ILO-IPEC, *National Programme for the Prevention and Elimination of Worst Forms of Child Labour in Ukraine, Final Technical Progress Report*, 26.

⁵²⁸² *Ibid.*, 11.

⁵²⁸³ U.S. Department of Labor, *Combating Trafficking and Other Worst Forms of Child Labor in Central and Eastern Europe (Phase II)*, Technical Cooperation Project Summary, 2009.

⁵²⁸⁴ ILO-IPEC, *Trafficking and other Worst Forms of Child Labor in Central and Eastern Europe (Phase II)*, Final Technical Progress Report, Geneva, January 2010, 136-140.

⁵²⁸⁵ *Ibid.*, 31.

⁵²⁸⁶ U.S. Department of State, "Country Reports- 2009: Ukraine," section 6.

⁵²⁸⁷ *Ibid.*

Uruguay

The Government of Uruguay has enacted laws and designed policies aimed at combating the worst forms of child labor, including protection for domestic workers. However, children continue to work in worst forms of child labor in agriculture and domestic service. Staffing of the labor inspectorate remains low and there is little information on enforcement efforts, while a policy on combating hazardous child labor has yet to be adopted.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Uruguay are exploited in the worst forms of child labor,⁵²⁸⁸ including in agriculture where they may be exposed to dangerous machinery, tools, and harmful pesticides.⁵²⁸⁹ Children are also engaged in activities such as domestic service, which can leave children vulnerable to physical and sexual exploitation; and street vending, which leaves children exposed to a variety of dangers including harsh weather and criminal elements. Additionally, street children are reportedly involved in sorting garbage and begging.

Uruguay is a source and transit country for trafficking in persons. There are isolated reports of minors being trafficked within Uruguay, to the border and to tourist areas, for the purposes of sexual exploitation and forced labor.⁵²⁹⁰

Laws and Regulations on the Worst Forms of Child Labor



The Code for Children and Adolescents sets the minimum age for employment at 15. Adolescents between age 15 and 18 require the permission of the Government to work.⁵²⁹¹ Permission is predicated upon passing a physical exam that must be renewed

yearly.⁵²⁹² The Government only grants permission to work to minors who have either finished nine years of compulsory education or who are enrolled in school. Work permits are not granted for hazardous, fatiguing, or night work.⁵²⁹³ In 2006 a new law went into effect regulating the work of domestic workers, who were often being effectively exempted from the wage and hour regulations that protected other workers in Uruguay.⁵²⁹⁴

Uruguay's penal code prohibits forced or compulsory labor.⁵²⁹⁵ The law also forbids both child pornography and prostitution.⁵²⁹⁶ The Migration Act, adopted in 2008, prohibits the trafficking of persons in or out of the country for the purposes of forced labor or sexual exploitation.⁵²⁹⁷ The law also lists trafficking of children or endangering the health of the victim as aggravating circumstances. It is illegal to enlist anyone under the age of 18 into the armed forces, even in time of war.⁵²⁹⁸

In 2009, Decree 321, regulating agricultural work, was passed.⁵²⁹⁹ It includes a mandate for the Government to publish an annual list of the 50 most dangerous forms of labor for children and adolescents in agriculture. This list has been periodically published in the past, but is now meant to be published annually.⁵³⁰⁰ The types of hazardous jobs classified by

their condition include work with machines, at heights, with hot or toxic substances, handling animals, or with sharp tools. Jobs that are hazardous by their nature include work involving long workdays, isolation, mistreatment or abuse, or exposure to immoral, illegal, or socially unacceptable situations.⁵³⁰¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	16
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Security (MLSS) chairs a Committee for the Eradication of Child Labor (CETI) which monitors national child labor issues. The committee is composed of Government agencies, industry and labor groups, and NGOs.⁵³⁰² The Uruguayan Institute for Children and Adolescents (INAU) is the agency with primary responsibility for enforcing child labor laws.⁵³⁰³ When the MLSS receives complaints concerning children working in hazardous situations, it refers the child labor component of cases to the INAU.

The INAU has only five inspectors and one office worker.⁵³⁰⁴ This lack of INAU inspectors has been noted by the ILO Committee of Experts.⁵³⁰⁵ In an Individual Direct Request concerning Convention No. 182 the Committee notes the Government having

reported shortages in human resources and subsequent plans to assign ten more inspector positions to the INAU. There were no statistics on INAU inspection activities provided to the ILO in response to the request.⁵³⁰⁶

The Ministry of the Interior (MOI) investigates both child trafficking and the sexual and commercial exploitation of children.⁵³⁰⁷ Children who are identified as victims of the worst forms of child labor as part of an MOI investigation can be placed under the protection or custody of the INAU. In 2009, there were five children from three cases placed in INAU custody. Generally, 2 years is the length of time it takes to resolve a case involving the commercial or sexual exploitation of children.⁵³⁰⁸

In 2009, a Specialized Court for Organized Crime was created. The two judges and two public prosecutors who operate this court have the responsibility to carry out investigations regarding all manner of organized crime, including the use of children in narcotics operations, the trafficking of children and the use of children for commercial and sexual exploitation.⁵³⁰⁹ The exact number of cases is not known.

Government Policies on the Worst Forms of Child Labor

The interdepartmental National Committee for the Eradication of Commercial and Non-Commercial Sexual Exploitation of Children and Adolescents (NCESEC), in conjunction with the INAU, has a national plan of action against the commercial sexual exploitation of children.⁵³¹⁰ The goals of this plan are to: strengthen victims' rights; improve protection measures for victims and witnesses; keep children in school; reintegrate those children who had previously left school; and develop alternative income strategies for families.⁵³¹¹ Further information on its impact could not be obtained.

The Government provided non-monetary support to anti-child labor campaigns by allowing several agencies to dedicate time to meet and develop national plans and strategies on child labor and trafficking.⁵³¹² The INAU and CETI are reported to be drawing up a Plan of Action to address the issue of children working in hazardous conditions.⁵³¹³

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government participates in a program funded by the International Development Bank that provides long-term support for the implementation of a National Strategy for Children and Adolescents.⁵³¹⁴ This program includes initiatives to combat the worst forms of child labor, and increases investment in social programs aimed at keeping children in school and improving their performance.

In 2010, the Government is running a publicly funded campaign to distribute flyers and stickers in tourist destinations around the country. The aim is to raise awareness of the presence of exploitative child labor and to discourage participation by children in illegal activities.⁵³¹⁵ In celebration of the June 12 World Day Against Child Labor, the Government conducted an education campaign aimed at informing children about the dangers present in some forms of employment and of their labor rights. Some children continue to lack awareness about the worst forms of child labor and their labor rights.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Uruguay:

IN THE AREA OF ENFORCEMENT:

- Follow through on plans to increase the number of INAU inspectors.
- Increase the capacity of the Special Courts of Organized Crime to deal with crimes specifically related to cases of the commercial and sexual exploitation of children.
- Collect, analyze, and make publicly available statistics on inspections and child labor violations, in order to better target enforcement efforts.

IN THE AREA OF POLICY:

- Identify, track, and publish implementation statistics on the NCESEC's national plan of action against commercial and sexual exploitation.
- Finalize, adopt, and set implementation priorities for the plan of action to address hazardous child labor.

IN THE AREA OF PROGRAMS:

- Expand existing educational campaigns to inform children of the dangers present in some forms of employment and of their labor rights.

⁵²⁸⁸ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

⁵²⁸⁹ U.S. Department of State, "Uruguay," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119176.htm>.

⁵²⁹⁰ Ibid.

⁵²⁹¹ Government of Uruguay, *Código de la niñez y la*

adolescencia, (August 2, 2004), article 162; available from www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=17823&Anchor=.

⁵²⁹² Ibid., article 167, 168.

⁵²⁹³ Ibid., article 163, 172.

⁵²⁹⁴ Government of Uruguay, *Ley 18.065*, (November 27, 2006); available from <http://www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=18065&Anchor=>. See also "Las trabajadoras domésticas tienen derechos," *La Republica*, May 11, 2008; available from <http://www.larepublica.com.uy/mujeres/313191-las-trabajadoras-domesticas-tienen-derechos>.

⁵²⁹⁵ Government of Uruguay, *Código penal de la República oriental del Uruguay*, (1986), article 280; available from http://www.unifr.ch/derechopenal/legislacion/uy/cp_uruguay.htm.

⁵²⁹⁶ Government of Uruguay, *Poder Legislativo, República Oriental del Uruguay: Violencia Sexual Comercial o No Comercial Cometida Contra Niños, Adolescentes o Incapaces, Ley No. 17.815*, (August 18, 2004); available from <http://www.parlamento.gub.uy/Leyes/Ley17815.htm>.

⁵²⁹⁷ Government of Uruguay, *Ley No 18.250*, (January 17, 2008), article 77, 78, 81.

⁵²⁹⁸ Coalition to Stop the Use of Child Soldiers, “Uruguay,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁵²⁹⁹ U.S. Embassy- Montevideo, *reporting*, February 9, 2010.

⁵³⁰⁰ Ibid.

⁵³⁰¹ U.S. Embassy- Montevideo, *reporting*, December 6, 2008.

⁵³⁰² U.S. Embassy- Montevideo, *reporting*, February 9, 2010.

⁵³⁰³ Ibid.

⁵³⁰⁴ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Uruguay (ratification: 2001)*, [2010 [cited August 25, 2010]. See also U.S. Embassy- Montevideo, *reporting*, February 9, 2010.

⁵³⁰⁵ ILO Committee of Experts, *Direct Request, C138: Uruguay*.

⁵³⁰⁶ Ibid.].

⁵³⁰⁷ U.S. Embassy- Montevideo, *reporting*, February 9, 2010.

⁵³⁰⁸ Ibid.

⁵³⁰⁹ Ibid.

⁵³¹⁰ Ibid.

⁵³¹¹ Ibid.

⁵³¹² Ibid.

⁵³¹³ ILO Committee of Experts, *Direct Request, C138: Uruguay*.

⁵³¹⁴ IDB, *Uruguay: Comprehensive Program for At-risk Children, Adolescents and Families*, UR-134, 2002; available from <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=423035>.

⁵³¹⁵ Ibid.

Uzbekistan

The Government of Uzbekistan has strengthened legislation to address the worst forms of child labor and issued decrees to further protect children. However, large numbers of children are forced by local authorities to harvest cotton each fall, rather than attending school. By establishing high cotton production quotas, the Government is complicit in this use of forced child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.3%
Attending School	5-14 yrs.	84.1%
Combining Work and School	7-14 yrs.	5.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵³¹⁶

Children in Uzbekistan are exploited in the worst forms of child labor. Thousands are forced to work in the annual cotton harvest, in part because the Government maintains a quota system for cotton production and requires that local administrators and farms meet quotas or face penalties such as firings, fines, and government takeover of farmland. To meet these quotas, local officials often close schools for up to 6 weeks or more and force children to pick cotton.⁵³¹⁷

Some reports indicate that fewer children below secondary school age were involved in the 2009 harvest than in past harvests.⁵³¹⁸ However, children as young as age 11 continued to be compelled to harvest cotton in the regions of Syrdarya, Gulistan, Tashkent, Khoresm, Jizzakh, Bukhara, and Surhandarya.⁵³¹⁹ While harvesting cotton, children sometimes lack sufficient food, clean drinking water, and adequate housing.⁵³²⁰ In addition, many are exposed to pesticides and long periods of sustained, repetitive movements that can cause injuries. Earlier in the season, some children also work long hours planting cotton.⁵³²¹

Some children from Uzbekistan migrate with their families to Kazakhstan, where wages are higher, during the autumn harvest season to work in the cotton fields.⁵³²²

In 2006, the Government reported that the number of street children in Uzbekistan was increasing.⁵³²³ Children working on the streets may be exposed to severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

There are reports that girls are trafficked abroad and internally for the purpose of commercial sexual exploitation.⁵³²⁴ Boys are reportedly trafficked to Kazakhstan and Russia for forced labor, primarily to work in the construction and agriculture sectors.⁵³²⁵


Laws and Regulations on the Worst Forms of Child Labor

The labor code of Uzbekistan establishes the minimum age for work at 16. During the reporting period, the Government amended the Labor Code and the law On the Guarantees of the Rights of the Child to raise the minimum age for light work from 14 to 15.⁵³²⁶ The Government also ratified ILO Convention No. 138 on the Minimum Age for Admission to Employment, during this reporting period.⁵³²⁷

In August 2009, the Decree on Adoption of the List of Occupations with Unfavorable Working Conditions to which it is forbidden to Employ Persons Under Eighteen Years of Age from the Ministries of Labor and Social Protection (MOL) and Health (MOH)

revised the list of hazardous activities forbidden for children under age 18, which specifically prohibits the manual harvesting of cotton.⁵³²⁸ The February 2010 MOL and MOH Decree On Approval of Provision on Requirements on Prohibition of Use of Minors' Labor, bars employers from using child labor in specific sectors of work, but does not include picking cotton.⁵³²⁹ Prohibited work activities in the 2010 Decree include work underground, underwater, at dangerous heights, or with dangerous equipment.

The February 2010 Decree grants authority to parents and labor inspectors to cancel the employment contracts of workers under age 18 if the work involved could endanger the child's health or well-being.⁵³³⁰ Likewise, in December 2009, the President signed amendments to Uzbekistan's Code on Administrative Responsibility, which raised the penalties for the use of child labor by citizens and public officials.⁵³³¹

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	✓

The Constitution of the Republic of Uzbekistan and the *Labor Code* prohibit forced labor, and the *Criminal Code* states that the forceful deprivation of liberty is punishable by a fine or by imprisonment.⁵³³² The Criminal Code penalizes commercial sexual exploitation of children, including child prostitution and pornography.⁵³³³ The 2008 *Law on Trafficking* and the Criminal Code prohibit human trafficking.⁵³³⁴

Institutional Mechanisms for Coordination and Enforcement

The Government's ICCTP is charged with overseeing efforts to combat trafficking. The Commission is chaired by the Prosecutor General, with representatives from other government entities such as the Ministries of Manpower and Migration, Interior, Foreign Affairs, and the National Security Service and the State Customs Committee.⁵³³⁵ Although the Government of Uzbekistan has established the ICCTP, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

MOL is responsible for carrying out labor inspections, including for compliance with child labor laws.⁵³³⁶ MOL executes this responsibility through state legal inspectorates and occupational safety and health inspectorates established in each region of the country. As of 2005, the most recent data available, the MOL employed 850 labor inspectors across the country.⁵³³⁷ MOL inspectors can refer findings of hazardous or forced child labor to the Prosecutor General's Office for criminal prosecution.⁵³³⁸ Reportedly, inspections are not carried out in the agricultural sector.⁵³³⁹

Uzbek officials reported that 150 local *hokims* (administrators) were reprimanded for allowing child labor in the 2008 cotton harvest, and that a few of the *hokims* were replaced. Information is not available about child labor investigations or any enforcement actions taken to penalize the use of forced child labor in the cotton harvest of 2009.⁵³⁴⁰

The Prosecutor General's Office and the criminal investigators of the Ministry of the Interior are responsible for investigating and prosecuting criminal violations of the child labor laws.⁵³⁴¹ The MOI criminal investigations department investigates crimes against children, including commercial sexual exploitation.⁵³⁴² MOI also has a special juvenile victims department within its crime prevention section. The agency's Office for Combating Trafficking is charged with investigating trafficking-in-persons crimes, which may then be prosecuted by the Prosecutor General's office.⁵³⁴³ The Government runs hotlines around the country for people to report incidents of child labor and human trafficking.⁵³⁴⁴

During the reporting period, the Government hired additional trafficking investigators, conducted trafficking investigations, and prosecuted cases, although disaggregated statistics on child versus adult trafficking or forced labor are unavailable.⁵³⁴⁵

Government Policies on the Worst Forms of Child Labor

The Government's central policy on the worst forms of child labor is the National Action Plan (NAP), adopted in 2008. The NAP includes a comprehensive set of activities to be undertaken through 2009 and beyond, including legislative reform, increased enforcement, awareness raising, and the implementation of specific projects to assist working and at risk children. The NAP specifically calls for an end to the use of forced child labor.⁵³⁴⁶ However, the ILO Committee of Experts has stated that the NAP may be insufficient to combat the deeply entrenched forced mobilization of children for the cotton harvest. The Government has refused to allow ILO to undertake an assessment of the problem of forced child labor during the cotton harvest.⁵³⁴⁷

In January 2009, the Government developed an annual work plan to implement the NAP. It calls for monitoring, raising awareness of national and international legislation on child labor; conducting training programs for labor inspectors, local administrators, teachers, farmers, and other relevant parties; and developing community-based prevention programs.⁵³⁴⁸

During the start of the fall 2009 cotton harvest, the Ministry of Education sent letters to school directors urging them to certify they would not require student participation in the cotton harvest.⁵³⁴⁹ However, a

significant number of children were forcibly mobilized to participate in the fall harvest rather than attend school.⁵³⁵⁰

The Government has other child-focused policies including the National Plan of Action on the Well-Being of Children (2007-2011) and the National Program on Improving Quality and Efficiency of Education.⁵³⁵¹ The question of whether this policy has an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

UNICEF is working on the issue of child labor in Uzbekistan as part of its larger child protection country strategy (2010-2015), which includes ensuring that all children are attending school during the cotton harvest season by 2015.⁵³⁵² As part of this program, UNICEF is engaging the Government of Uzbekistan in efforts to eliminate the worst forms of child labor through improved monitoring, implementation, and reporting on the National Plan of Action.⁵³⁵³

During the reporting period, as part of its implementation of the National Plan of Action on Trafficking, the Government opened its first government-run shelter for trafficking victims. It also conducted a number of awareness raising campaigns aimed at preventing human trafficking.⁵³⁵⁴

Despite the above initiatives, the Government of Uzbekistan does not implement sufficient programs to combat the worst forms of child labor commensurate with the scope of the problem in agriculture, street work, and trafficking.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Uruguay:

IN THE AREAS OF LAWS AND REGULATIONS:

- Eliminate quotas for the cotton harvest.
- Legislate that all schools remain open and that student attendance be mandatory during the cotton harvest.
- Amend the Decree On Approval of Provision on Requirements on Prohibition of Use of Minors' Labor to include a prohibition on cotton picking.

IN THE AREAS OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat all worst forms of child labor.
- Strictly enforce legislation that prohibits children's forced involvement in the cotton harvest.
- Penalize responsible parties for forcing children to participate in the cotton harvest.
- Make information publicly available on investigations, charges, prosecutions, and punishments for parties responsible for exploitive or forced child labor.
- Invite ILO or other third parties to monitor cotton harvests.
- Disaggregate official trafficking in persons statistics between child trafficking, adult trafficking, and child and adult forced labor.

IN THE AREA OF PROGRAMS:

- Expand programs to address the worst forms of child labor, with a particular focus on agriculture, street work, and trafficking.

⁵³¹⁶ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children and children combining working and schooling are from 2006. Data on school attendance are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵³¹⁷ U.S. Department of State, "Uzbekistan," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7c and 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>. See also U.S. Embassy- Tashkent, *reporting*, February 2, 2010, para 6. See also International Labor Rights Forum, "Pick all the cotton: Update on Uzbekistan's use of forced child labor

in 2009 harvest," (December 2009), 1-2; available from <http://www.laborrights.org/sites/default/files/publications-and-resources/UzbekCottonFall09Update.pdf>. See also U.S. Embassy- Tashkent, *reporting*, February 25, 2010, para 25B. See also British Broadcasting Corporation, "Activist 'beaten' after BBC story", news.bbc.co.uk, [online], November 11, 2009 [cited February 22, 2010]; available from <http://news.bbc.co.uk/2/hi/asia-pacific/8355585.stm>.

⁵³¹⁸ U.S. Department of State, "Country Reports- 2009: Uzbekistan," section 7d. See also U.S. Embassy- Tashkent, *reporting*, February 2, 2010, para 39.

⁵³¹⁹ U.S. Department of State, "Country Reports- 2009: Uzbekistan," section 7d. See also U.S. Embassy- Tashkent, *reporting*, February 2, 2010, para 39. See also U.S. Embassy- Tashkent, *reporting*, February 25, 2010, para 25B. See also British Broadcasting Corporation, "Activist 'beaten' after BBC story".

⁵³²⁰ British Broadcasting Corporation, "Activist 'beaten' after BBC story". See also International Labor Rights Forum, "Pick all the cotton," 1. See also U.S. Embassy- Tashkent, *reporting*, February 25, 2010, para 25C. See also International Crisis Group, *The Curse of Cotton: Central Asia's Destructive Monoculture*, February 28, 2005, 18; available from <http://www.crisisgroup.org/en/regions/>

asia/central-asia/093-the-curse-of-cotton-central-asias-destructive-monoculture.aspx.

⁵³²¹ U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 6.

⁵³²² U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 37. See also U.S. Embassy- Astana, *reporting, December 3, 2007*, para 2. See also Joanna Lillis, “Kazakhstan: Cotton Harvest Fails to Provide Rich Pickings”, EURASIANET.ORG, [online], November 13, 2008 [cited August 27, 2010]; available from <http://www.eurasianet.org/departments/insightb/articles/eav111408.shtml>.

⁵³²³ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding observations: Uzbekistan*, CRC/C/UZB/CO/2, Geneva, June 2, 2006, para 62; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.UZB.CO.2.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.UZB.CO.2.En?Opendocument).

⁵³²⁴ U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 5. See also U.S. Department of State, “Uzbekistan (Tier 2 Watch List),” in *Trafficking in Persons Report*, Washington, DC, June 4, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123139.htm>.

⁵³²⁵ U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 5. See also U.S. Embassy- Tashkent, *reporting, February 25, 2010*.

⁵³²⁶ U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 7d.

⁵³²⁷ ILO ILOLEX Database of International Labour Standards, *C138 Minimum Age Convention, 1973*, August 27, 2010; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

⁵³²⁸ U.S. Embassy- Tashkent, *reporting, January 16, 2009*, para 6. See also U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 7d. See also U.S. Embassy- Tashkent, *reporting, February 2, 2010*. See also Government of Uzbekistan, *Decree on adoption of the list of occupations with unfavorable working conditions to which it is forbidden to employ persons under eighteen years of age*, (August 8, 2009).

⁵³²⁹ Government of Uzbekistan, *Decree on Approval of Provision on Requirements on Prohibition of Use of Minors’ Labor*, (February 1, 2010).

⁵³³⁰ U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 27A. See also Government of Uzbekistan, *Decree on Approval of Provision on Requirements on Prohibition of Use of Minors’ Labor*.

⁵³³¹ U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 8. See also U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 7d.

⁵³³² Government of Uzbekistan, *Constitution of the Republic of Uzbekistan*, (December 8, 1992), article 37; available from <http://www.umid.uz/Main/Uzbekistan/Constitution/constitution.html>. See also U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 27A5. See also ILO Committee of Experts, *CEACR: Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan (ratification: 2008) Published: 2010*, [online] 2010 [cited May 19, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=821&chapter=3&query=Uzbekistan%40ref%2B%20Observation%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>. See also ILO Committee of Experts, *CEACR: Individual Observation concerning Abolition of Forced Labour Convention, 1957 (No. 105) Uzbekistan (ratification: 1997) Published: 2010*, [online] 2010 [cited May 19, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=433&chapter=3&query=Uzbekistan%40ref%2B%20Observation%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>.

⁵³³³ Government of Uzbekistan, *Criminal Code of the Republic of Uzbekistan*, (September 22, 1994), article 130-131, 135; available from <http://www.unhcr.org/refworld/publisher,NATLEGBOD,,UZB,3ae6b59216,0.html>.

⁵³³⁴ U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 6. See also U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 27A3. See also Government of Uzbekistan, *Criminal Code of Uzbekistan*, article 135.

⁵³³⁵ U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 26B, 26D.

⁵³³⁶ U.S. Department of State, “Country Reports- 2009: Uzbekistan,” section 7d. See also ILO Committee of Experts, *CEACR: Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan (ratification: 2008) Submitted: 2010*, [online] 2010 [cited May 14, 2010]. See also ILO Committee of Experts, *Individual Observation concerning Abolition of Forced Labour Convention, 1957 (No. 105) Uzbekistan*.

⁵³³⁷ U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 16.

⁵³³⁸ *Ibid.*, para 13.

⁵³³⁹ *Ibid.*

⁵³⁴⁰ *Ibid.*, para 11, 17, 24 and 35.

⁵³⁴¹ *Ibid.*, para 12, 13, 20, 32.

⁵³⁴² *Ibid.*, para 32.

⁵³⁴³ U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 26B.

⁵³⁴⁴ U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 14, 28.

⁵³⁴⁵ U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 27 C-E. See also U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 29.

⁵³⁴⁶ U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 33.

⁵³⁴⁷ International Labor Rights Foundation, *Three GSP petitions filed by ILRF continue in 2008 annual review*, Press Release, July 1, 2009; available from <http://www.laborrights.org/creating-a-sweatfree-world/changing-global-trade-rules/news/11948>. See also International Labor Rights Forum, “Pick all the cotton,” 3-4.

⁵³⁴⁸ U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 42.

⁵³⁴⁹ *Ibid.*, para 34.

⁵³⁵⁰ UNICEF, Country Document, 2009.

⁵³⁵¹ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan*. See also U.S. Embassy- Tashkent, *reporting, December 15, 2009*.

⁵³⁵² U.S. Embassy- Tashkent, *reporting, February 2, 2010*, para 18. See also UNICEF, *Draft Country Programme Document: Uzbekistan*, April 13, 2009, para 20.(f); available from [http://www.unicef.org/about/execboard/files/09-PL14-Uzbekistan-ODS-English\(1\).pdf](http://www.unicef.org/about/execboard/files/09-PL14-Uzbekistan-ODS-English(1).pdf).

⁵³⁵³ UNICEF, *Draft Country Programme Document: Uzbekistan*, para 31.

⁵³⁵⁴ U.S. Embassy- Tashkent, *reporting, February 25, 2010*, para 28B and 29A-D.

Vanuatu

During the reporting period, the Government of Vanuatu participated in a project to increase the number and quality of its labor inspections. However, children continue to work in agriculture and are the victims of commercial sexual exploitation. Gaps in the country's legal framework contribute to this problem.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor⁵³⁵⁵

Children in Vanuatu are exploited in the worst forms of child labor, many of them in agriculture.⁵³⁵⁶ Children's work in agriculture may involve the use of potentially dangerous machinery and tools, carrying of heavy loads, and the application of harmful pesticides. Children also work in fishing where they are exposed to environmental dangers as well as the risk of drowning and dangerous tools.

Some children are sexually exploited in exchange for cash, transport, food, or other material goods.⁵³⁵⁷ A lack of alternatives for raising cash to pay their school fees pushes some children in the country into prostitution.⁵³⁵⁸

Young girls in Vanuatu are most vulnerable to sexual exploitation for commercial purposes. Younger children, who are recruited by pimps and experienced older sex workers, are believed to be in the greatest demand.⁵³⁵⁹ Child prostitution is on the rise in the country's urban centers and tourist sector, such as Port Vila, where bars, nightclubs, "guest houses," and hotels are used to facilitate interactions between clients and sexual service providers, including children under the age of 18. UNICEF has found that some of Vanuatu's security guards, taxi drivers, hotel workers, and family members of children under age 18 serve as go-

between, making their livings from the islands' child sex business.⁵³⁶⁰ Commercial sexual exploitation of children has also been found to occur in rural areas.⁵³⁶¹

Some evidence shows that trafficking in children occurs in Vanuatu, but the nature and the extent of the problem is unknown.⁵³⁶²

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes the minimum age for employment at 15. It permits children under age 12 to legally perform light agricultural work on farms owned and managed by a family member; however, the Act does not define the term "light work."⁵³⁶³ The Act does restrict children under age 15 from performing work during the night or aboard ships.⁵³⁶⁴ However, the Government of Vanuatu has not established a list of hazardous activities or occupations, nor has it established a minimum age for hazardous work.⁵³⁶⁵

The Penal Code prohibits the use, procurement, or sale of a child below age 18 for prostitution.⁵³⁶⁶ It also prohibits the use of a child for pornographic purposes, though it does not outlaw the sale, distribution, or procurement of child pornography.⁵³⁶⁷ Together, the Employment Act and the Penal Code prohibit slavery, forced or compulsory labor, and trafficking.⁵³⁶⁸



There is no compulsory age for education, nor does the government have a legal obligation to provide free schooling.⁵³⁶⁹ The lack of standards in these two areas may increase the risk of children's involvement in the worst forms of child labor.⁵³⁷⁰

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	None
	Compulsory Education Age	None
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Vanuatu has established a coordinating mechanism to combat the worst forms of child labor specifically.

The National Children's Committee is charged with coordinating Government efforts to improve children's well-being, including eliminating the commercial sexual exploitation of children. The Committee also monitors child protection issues and is working to create a comprehensive and integrated agenda for children's rights.⁵³⁷¹

The Labor Department is the primary federal agency responsible for enforcing Vanuatu's child labor laws. The agency currently employs approximately four labor inspectors, who are responsible for a range of issues related to the monitoring and enforcement of the Labor Code.⁵³⁷² This is an insufficient number given the scope of child labor.

In an agreement with ILO signed during the reporting period, the Government set a goal to double the 2008 number of labor inspection reports by 2012. ILO has agreed to provide the Government with targeted skills trainings and will offer other unspecified forms of technical assistance to the Labor Department, the country's Trade Union Council, and Chamber of Commerce.⁵³⁷³

Government Policies on the Worst Forms of Child Labor

During the reporting period, the Labor Department formulated the Decent Work Country Program (DWCP) for Vanuatu with the support of the ILO and the country's Trade Union Council and Chamber of Commerce.⁵³⁷⁴ The DWCP for Vanuatu specifies the eradication of child labor as a priority, and establishes the number and quality of labor inspection reports filed as measurement toward that goal.⁵³⁷⁵ Through the DWCP, the Labor Department has requested financial assistance from the ILO to prepare new regulations on child labor and to translate the revised *Employment Relations Bill* into local languages.⁵³⁷⁶

In March 2009, the Minister of Finance announced Government plans to eliminate primary school fees by January of the following year.⁵³⁷⁷ The fee waiver is not expected to cover students' ancillary expenses, like uniforms, books, and transportation.⁵³⁷⁸ Research did not uncover evidence to determine whether this has been implemented.

The Government participates in UNICEF's Pacifics Policy, Advocacy, Planning, and Evaluation Program (PAPE). This regional program supports the development of evidenced-based social and economic policies promoting the rights of children. It also provides technical assistance for data collection on children's issues, which may include child labor.⁵³⁷⁹ There is no evidence that the Government currently collects data on the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research found no evidence of any programs to address the worst forms of child labor.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Uruguay:

IN THE AREA OF LAWS AND LEGISLATION:

- Establish a minimum age for hazardous work.
- Specifically define the term “light work” in the law and establish a list of hazardous occupations and activities for children.
- Establish a compulsory age for education.
- Prohibit the sale, distribution, or procurement of child pornography.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a mechanism to coordinate efforts to combat the worst forms of child labor.
- Increase the number of labor inspectors available to enforce child labor laws and regulations.

IN THE AREA OF POLICY:

- Implement free primary school education for all children.
- Collect data at regular intervals on the nature and prevalence of the worst forms of child labor in the country.

IN THE AREA OF PROGRAMS:

- Implement programs to address the worst forms of child labor.

⁵³⁵⁵ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵³⁵⁶ Government of Vanuatu and the European Commission, *The Country Strategy & National Indicative Programme: Vanuatu*, 2008, 12; available from http://www.delvut.ec.europa.eu/en/eu_and_country/CSP2008.pdf. See also Oxfam New Zealand, *Back to School in Vanuatu*, [online] [cited July 12, 2010]; available from <http://www.oxfam.org.nz/index.asp?s1=what%20we%20do&s2=where+we+work&s3=pacific&s4=vanuatu&s5=back%20to%20school%20in%20Vanuatu>.

⁵³⁵⁷ Michael Samson, Stephen Kidd, Frank Ellis, Nicholas Freeland, and Bernard Wyler, *Social Protection in the Pacific: A Review of its Adequacy and Role in Addressing Poverty*, Australian Agency for International Development, Australian Government, Canberra, February 2010, 28; available from http://www.unicef.org/pacificislands/AusAID_SP_Study.pdf. See also Social Development

Division, *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, United Nations ESCAP, 2009, 53, 96-97, 109; available from <http://www.unescap.org/publications/detail.asp?id=1320>. See also UNICEF, UNESCAP, and ECPAT International, *Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Regional Report*, UNICEF Pacific, 2006, 23-25; available from http://www.unicef.org/pacificislands/partners_10989.html. See also U.S. Department of State, “Vanuatu,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136014.htm>.

⁵³⁵⁸ UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 24. See also ILO, *Country Baselines under the ILO Declaration Annual Review (2000-2010): The Effective Abolition of Child Labour (CL)*, Vanuatu, 2010, 155; available from http://www.ilo.org/declaration/follow-up/annualreview/countrybaselines/lang--en/docName--WCMS_091263/index.htm.

⁵³⁵⁹ UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 10, 22. See also UN Economic and Social Commission for Asia and the Pacific, *Pacific Perspectives on the Commercial Sexual Exploitation and Sexual Abuse of Children and Youth*, April 2009; available from <http://www.unescap.org/ESID/GAD/>

Publication/Pacific_Perspectives_Report.pdf. See also UN Committee on the Elimination of Discrimination Against Women, *Concluding Comments of the Committee on the Elimination of the Discrimination Against Women: Vanuatu*, June 11, 2007, 4, 7; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/375/66/PDF/N0737566.pdf?OpenElement>. See also Anafia Norton, Penelope Taylor, Patrick Vakaoti, Marie Wernham, and Freida M'Cormack, *Protect Me with Love and Care: A Baseline Report for Creating a Future Free from Violence, Abuse and Exploitation of Girls and Boys in Fiji*, UNICEF Pacific, Suva, 2009, 6; available from http://www.unicef.org/pacificislands/partners_10989.html. See also UN Economic and Social Commission for Asia and the Pacific, *Pacific Perspectives*, 95-97.

⁵³⁶⁰ Social Development Division, *Pacific Perspectives on CSEC and CSA*, 30, 58-59, 77. See also UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 2, 16, 18-19, 26. See also UN Economic and Social Commission for Asia and the Pacific, *Regional Stakeholders' Consultation and Planning Workshop on the Commercial Sexual Exploitation of Children and Child Sexual Abuse in the Pacific: A Pacific Regional Report*, 2008, 12; available from <http://www.unescap.org/publications/detail.asp?id=1323>.

⁵³⁶¹ UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 27.

⁵³⁶² UN Economic and Social Commission for Asia and the Pacific, *Regional Stakeholders' Consultation and Planning Workshop*, 12.

⁵³⁶³ Government of Vanuatu, *Employment Act*, (May 30, 1983), article 38; available from http://www.paclii.org/vu/legis/consol_act/e128/.

⁵³⁶⁴ *Ibid.*, article 40.

⁵³⁶⁵ *Ibid.*, articles 40-42. See also Norton, Taylor, Vakaoti, Wernham, and M'Cormack, *Protect Me with Love and Care*, 54.

⁵³⁶⁶ Government of Vanuatu, *Penal Code*, (August 7, 1981), articles 101, 101a-c; available from http://www.paclii.org/vu/legis/consol_act/pc66/.

⁵³⁶⁷ *Ibid.*, article 101D.

⁵³⁶⁸ Government of Vanuatu, *Employment Act*, article 7. See also Government of Vanuatu, *Penal Code*, articles 102, 105.

⁵³⁶⁹ ILO, *Country Baselines under the ILO Declaration Annual Review* 156.

⁵³⁷⁰ Government of Vanuatu, *Education Act*, (February 25, 2002), articles 7, 35; available from http://www.paclii.org/vu/legis/consol_act/ea104/. See also ILO, *Country Baselines under the ILO Declaration Annual Review* 156. See also Penny Schoeffel Meleisea and Ellie Meleisea, *The Elimination of All Forms of Discrimination and Violence Against the Girl Child: Situation Paper for the Pacific*

Islands Region, UNICEF Pacific and UNIFEM Pacific, 2007, 14; available from <http://pacific.unifem.org/index.php?cat=2>.

⁵³⁷¹ UNICEF, UNESCAP, and ECPAT International, *CSEC and Child Sexual Abuse in the Pacific*, 32-33. See also UN Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women Combined initial, second and third periodic reports of States parties - Vanuatu*, CEDAW/C/VUT/1-3, 2005, 65; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/625/04/PDF/N0562504.pdf?OpenElement>.

⁵³⁷² Government of Vanuatu, *Responses to the List of Issues and Questions with Regard to the Consideration of the Combined Initial, Second, and Third Periodic Reports*, [online] 2007, 16; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c6a272aa78e118e5c12572a4003277dc?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c6a272aa78e118e5c12572a4003277dc?Opendocument). See also ILO, *Decent Work Country Programme: Vanuatu*, July 2009, 7, 11; available from http://www.ilo.org/asia/whatwedo/publications/lang--en/docName--WCMS_120557/index.htm. See also U.S. Department of State, "Country Reports- 2009: Vanuatu," section 7e.

⁵³⁷³ ILO, *Decent Work Country Programme*, 1, 20-21.

⁵³⁷⁴ *Ibid.*, 11 and 20.

⁵³⁷⁵ *Ibid.*, 20. See also Government of Vanuatu, *Responses to the List of Issues and Questions*, 16.

⁵³⁷⁶ ILO, *Decent Work Country Programme*, 17.

⁵³⁷⁷ Nicolas Berlanga Martinez, *Vanuatu Press Review*, Delegation of the European Commission to Vanuatu, February 12-March 12 2009, 8; available from <http://www.delvut.ec.europa.eu/en/pa1/pressreviewmarch1.pdf>.

⁵³⁷⁸ *Ibid.*

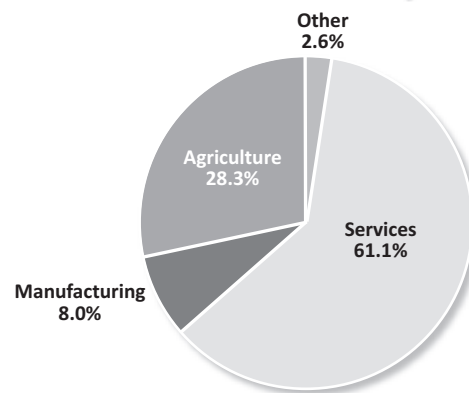
⁵³⁷⁹ UNICEF, *Policy, Advocacy, Planning and Evaluation (PAPE)*, [online] 2010 [cited August 24, 2010]; available from http://www.unicef.org/pacificislands/9596_11759.html. See also UNICEF Pacific, *A Situation Analysis and Review of UNICEF Pacific's Policy, Advocacy, Planning and Evaluation Programme (PAPE)*, May 2010, 1; available from http://www.unicef.org/pacificislands/9596_13564.html.

Venezuela

The Government of Venezuela has established a legal framework to protect children from the worst forms of child labor. However, children continue to engage in exploitative work in agriculture, domestic service, and on the streets. Government policies and programs aim to alleviate poverty and provide access to education, however they do not specifically target the children engaged in the worst forms of child labor in agriculture and domestic service.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	5.4%
Attending School	5-14 yrs.	94.9%
Combining Work and School	7-14 yrs	4.0%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Venezuela are exploited in the worst forms of child labor in agriculture and a variety of service sector occupations.⁵³⁸⁰ Children working in agriculture may face hazards, such as dangerous machines and tools, transporting heavy loads, and applying harmful pesticides.

Girls perform domestic service, which may involve long hours of work and may expose them to physical or sexual exploitation.⁵³⁸¹ There are large numbers of street children in Venezuela, who may be exposed to a variety of hazards, including severe weather conditions, accidents caused by proximity to vehicles, and vulnerability to criminal acts.⁵³⁸²

Children are trafficked for the purpose of prostitution.⁵³⁸³ Child prostitution occurs in urban areas, such as Caracas and Maracaibo and in resort destinations, such as Margarita Island.⁵³⁸⁴ Although evidence is limited, there is reason to believe

that the worst forms of child labor are used in the production of pornography.⁵³⁸⁵


Laws and Regulations on the Worst Forms of Child Labor

The *Organic Labor Law (LOT)* and the *Organic Law for the Protection of Children and Adolescents (LOPNNA)* set the minimum age for work at 14. LOT permits children between the ages of 14 and 16 to work only with the consent of their legal guardian.⁵³⁸⁶ LOT prohibits minors from working in mining, welding, and other dangerous activities that threaten their lives or health, but it does not provide a comprehensive list of hazardous activities.

The *National Constitution* and *LOPNNA* prohibit forced labor, debt bondage, slavery, and trafficking in persons, including children.⁵³⁸⁷ *LOPNNA* forbids all forms of sexual exploitation and states that the Government must offer assistance free of charge to children who have been victims.⁵³⁸⁸ The *Special Law Against Computer Crimes* prohibits electronic

pornography involving children.⁵³⁸⁹ The law also forbids inducing solicitation for prostitution, corruption of minors, and international trafficking, and it establishes penalties depending on the severity of the crime.⁵³⁹⁰ *LOPNNA* also prohibits selling or offering tobacco, alcohol, arms, fireworks, and drugs to minors.⁵³⁹¹

The age for compulsory and voluntary recruitment to the armed forces is 18.⁵³⁹²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	No
	Compulsory Education Age	15
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Superior System (NSS) for the Integral Protection of Children and Adolescents is charged with protecting children's rights, including addressing child labor issues. The NSS is made up of several government ministries and councils and representatives from civil society.⁵³⁹³ However, research has not identified specific activities or programs carried out by NSS for the Integral Protection of Children and Adolescents.

The Ministry of Popular Power for Labor and Social Security (MPPLSS) enforces labor laws, including child labor laws.⁵³⁹⁴ The Ministry of Popular Power for Interior and Justice (MPPIJ) enforces laws such

as those against child trafficking through associated directorates.⁵³⁹⁵ For instance, the Crime and Prevention Directorate and the Scientific, Penal, and Criminal Investigation Directorate are responsible for investigating trafficking cases.⁵³⁹⁶ There were a small number of trafficking cases filed and resolved during the reporting period; it is unknown, however, how many of them involved children.⁵³⁹⁷

Government Policies on the Worst Forms of Child Labor

The Simón Bolívar Development Plan (2007-2013) addresses issues related to poverty, social exclusion, and lack of access to education. One of its objectives is to eradicate extreme poverty by improving the health care and education systems.⁵³⁹⁸

The Government of Venezuela and UNICEF launched a Plan of Action (2009 – 2013), which aims to help children and adolescents by focusing on education, social inclusion, and violence prevention.⁵³⁹⁹

The question of whether these policies have an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government of Venezuela conducted awareness-raising campaigns to combat the commercial sexual exploitation of children, forced child labor, and child sex tourism. It aired public service announcements, distributed pamphlets and posters, and operated a 24-hour hotline for victims of trafficking.⁵⁴⁰⁰

The Government continued to participate in the MERCOSUR initiative *Niño Sur* (Southern Child) and the *Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism in South America*. *Niño Sur* raises awareness of commercial sexual exploitation, improves countries legal frameworks, and exchanges best practices for protecting and assisting victims of commercial sexual exploitation.⁵⁴⁰¹ The *Joint Group* conducts prevention and awareness-raising campaigns to combat the commercial exploitation of children in Latin America.⁵⁴⁰² The Government of Venezuela also

continued to participate in a project funded by the Government of Spain to eliminate child labor in Latin America.⁵⁴⁰³

The Government continued carrying out the *Program to Dignify Working Children and Adolescents (PRODINAT)*. This program seeks to improve working conditions for child laborers by setting up businesses where children work in healthy and safe environments.⁵⁴⁰⁴ The Government also operates a network of social programs called “Social Missions” to improve the social and economic well-being of vulnerable groups, including children.⁵⁴⁰⁵ The *Negra Hipólita* Mission provides social services targeting

street children, pregnant minors, disabled people, and very poor adults.⁵⁴⁰⁶ The Neighborhood Children Mission works exclusively with people under 18 to eradicate exploitation, harassment, and physical and psychological abuse.⁵⁴⁰⁷ The Robinson I and II Missions provide education and vocational training to children and adults.⁵⁴⁰⁸

Research found no evidence that the Government of Venezuela is carrying out programs to assist children involved in the worst forms of child labor in agriculture and domestic service. Moreover, studies of children engaged in the worst forms of child labor are not readily available.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Venezuela:

IN THE AREA OF LAWS AND REGULATIONS:

- Develop a comprehensive list of hazardous occupations and activities prohibited to children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish an information system to share the work and progress of the initiatives carried out by the National Superior System for the Integral Protection of Children and Adolescents.
- Make information available on inspections and enforcement of child labor laws

IN THE AREA OF POLICIES:

- Assess the impact that existing social policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Amend PRODINAT so that it can offer assistance to children involved in hazardous agriculture, prostitution and pornography.
- Design additional programs that target children engaged in the worst forms of child labor in agriculture and domestic service.
- Conduct additional studies on the worst forms of child labor, particularly in agriculture, domestic service, and commercial sexual exploitation, and make the results publicly available.

⁵³⁸⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵³⁸¹ Telefónica Foundation and Centro de Investigación Social (CISOR), "El Trabajo Infanto-Adolescente En Venezuela: Estado De La Cuestión," (2009).

⁵³⁸² U.S. Department of State, "Venezuela," in *Country Report on Human Rights Practices- 2009* (Washington, DC: March 11, 2010). section 6. See also Delia Meneses, "La Calle Como Casa Y Escuela," *El Universal*, January 25 2009.

⁵³⁸³ U.S. Department of State, "Country Reports- 2009: Venezuela." See also UN Committee on the Rights of the Child, "Second Periodic Reports of States Parties Due in 1997: Bolivarian Republic of Venezuela," in *Article 44 of the Convention on the Rights of Children*, ed. Bolivarian Government of Venezuela (2007). See also Carla Villamedina, "Tres Millones De Niños, Niñas Y Adolescentes Trabajan En Venezuela," (Red Andi, 2007). See also U.S. Embassy -Caracas, "Reporting, February 25, 2010." See also U.S. Department of State, "Venezuela (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010* (Washington, DC: June 14, 2010).

⁵³⁸⁴ U.S. Department of State, "Trafficking in Persons Report- 2010: Venezuela."

⁵³⁸⁵ UN Committee on the Rights of the Child, "UN Committee on the Rights of the Child, Second Periodic Reports of States Parties Due in 1997: Bolivarian Republic of Venezuela."

⁵³⁸⁶ *Ley Orgánica Del Trabajo*, 5.152, (June 19, 1997), articles 247 and 49.

⁵³⁸⁷ *Constitución De La República Bolivariana De Venezuela*, (December 30, 1999), article 54. See also *Ley Orgánica Para La Protección De Los Niños, Niñas Y Adolescentes*, (October 12, 2007), article 38.

⁵³⁸⁸ *Government of Venezuela, Ley Orgánica Para La Protección De Los Niños, Niñas Y Adolescentes*.article 33.

⁵³⁸⁹ *Ley Sobre Delitos Informáticos*, 37.313, (October 30, 2001).article 24.

⁵³⁹⁰ U.S. Department of State, "Country Reports- 2009: Venezuela." section 7d and section 6.

⁵³⁹¹ *Government of Venezuela, Ley Orgánica Para La Protección De Los Niños, Niñas Y Adolescentes*.Article 92.

⁵³⁹² Coalition to Stop the Use of Child Soldiers, "Child Soldiers Global Report 2008 –Venezuela," (2008).

⁵³⁹³ *Government of Venezuela, Ley Orgánica Para La Protección De Los Niños, Niñas Y Adolescentes*, articles 117, 19.

⁵³⁹⁴ Venezuelan Ministry of Labor, "Ministerio Del Poder Popular Para El Trabajo Y Seguridad Social," (2010).

⁵³⁹⁵ Ministry of Popular Power for Interior and Justice, "Ministerio Del Poder Popular Para Relaciones Interiores Y Justicia," (2010).

⁵³⁹⁶ U.S. Embassy Caracas, "Reporting," (2010).

⁵³⁹⁷ Ibid. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Venezuela."

⁵³⁹⁸ Government of the Bolivarian Republic of Venezuela, "Proyecto Nacional Simón Bolívar Primer Plan Socialista 2007- 2013," (2007).

⁵³⁹⁹ Government of Venezuela and UNICEF, "Plan De Acción Del Programa País," (2009): 14.

⁵⁴⁰⁰ U.S. Embassy Caracas, "U.S. Embassy -Caracas, Reporting, February 25, 2010." See also U.S. Embassy -Caracas, "Reporting " (2009).

⁵⁴⁰¹ Security Argentine Ministry of Justice, and Human Rights, "Xiv Reunión De Altas Autoridades Competentes En Derechos Humanos Y Cancillerías Del Mercosur Y Estados Asociados," (2008). See also Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, "La Iniciativa Nin@Sur, Una Instancia Regional Que Se Afirma," in *Boletín No. 2* (2008).

⁵⁴⁰² Brazilian Ministry of Tourism, "Ecuador Assume Direção De Grupo Latino-Americano Para a Proteção Infanto-Juvenil," (2008).

⁵⁴⁰³ ILO, "Action against Child Labour 2008-2009: Ipec Progress and Future Priorities," (2010).

⁵⁴⁰⁴ Council for the Rights of Children and Adolescents Autonomous Institute, "Programa Para La Dignificación De Niños, Niñas Y Adolescentes Trabajadores (Prodinat) " (2009).

⁵⁴⁰⁵ U.S. Embassy Caracas, "U.S. Embassy -Caracas, Reporting, February 25, 2010."

⁵⁴⁰⁶ Government of Venezuela, "Misiones," <http://www.gobiernoenlinea.ve/miscelaneas/misiones.html>.

⁵⁴⁰⁷ Ibid.

⁵⁴⁰⁸ Ibid.

Yemen

The Government of Yemen implements a small number of rehabilitation and reintegration programs for victims of the worst forms of child labor. However, children continue to work in hazardous conditions in agriculture and face the risk of child trafficking. Children are also forced into labor and are recruited as soldiers. Government efforts to combat child labor are hindered by contradictory labor laws, and a lack of funding for enforcement.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.4%
Attending School	5-14 yrs.	58.5%
Combining Work and School	7-14 yrs	4.7%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Yemen, children are engaged in the worst forms of child labor,⁵⁴⁰⁹ many of them in agriculture. According to Yemen's Ministry of Social Affairs and Labor (MOSAL), children working in agriculture work with dangerous agricultural equipment, carry heavy loads, and are exposed to pesticides.⁵⁴¹⁰ Children work in the production and guarding of *qat*, a mild narcotic plant legal in Yemen. In this work, they are exposed to pesticides and carry weapons which are used to protect the *qat* crops.⁵⁴¹¹

Children also perform dangerous work in stone cutting and quarries, welding and glass shops, construction, auto shops, fishing, garbage collection, domestic service, restaurant motels, and in the streets.⁵⁴¹² Children working in stone cutting and quarries and welding and glass shops are subject to exploitation by gangs and exposure to habits such as smoking and chewing *qat*.⁵⁴¹³ In construction work, children are exposed to chemical toxins and paint.⁵⁴¹⁴ Children working in auto shops face physical injuries, including burns and respiratory problems from inhaling fumes.⁵⁴¹⁵ Children engaged in fishing are

at risk of drowning.⁵⁴¹⁶ Children working in garbage collection may be exposed to toxic or other injurious substances. Child domestics work long hours and their isolation in homes makes them susceptible to sexual harassment and physical abuse. Children working in restaurants and motels are particularly vulnerable as they sometimes work at night and are subject to sexual harassment by patrons.⁵⁴¹⁷ Working in the streets renders children particularly vulnerable to mental and physical harassment and abuse.⁵⁴¹⁸

Yemeni children are trafficked domestically for commercial sexual exploitation and forced labor.⁵⁴¹⁹ Children are internally trafficked to Aden and Sana'a for forced labor, domestic service, begging, street vending, and to work as unskilled laborers.⁵⁴²⁰ Girls are trafficked for commercial sexual exploitation.⁵⁴²¹ Somali girls are trafficked to Yemen for commercial sex work.⁵⁴²² Yemeni children are also trafficked to Saudi Arabia where they are engaged in forced labor and forced prostitution.⁵⁴²³ According to MOSAL, the number of children trafficked to Saudi Arabia decreased from 900 in 2008 to 602 in 2009.⁵⁴²⁴ Research does not indicate whether these figures represent number of incidents reported, number of children rescued, or number of cases investigated.

Criminals use Yemeni children to carry out illegal activities. Children work as smugglers of drugs and alcohol and may suffer abuse and hunger.⁵⁴²⁵

Yemeni children are engaged in prostitution. Children from the Horn of Africa, Ethiopia, and Somalia also are forced into commercial sexual exploitation in Yemen.⁵⁴²⁶

Yemeni children are being recruited as soldiers; as many as 600 children are killed or wounded annually by their direct involvement in conflict.⁵⁴²⁷ There are reports that both government-supported and opposition militias use child soldiers.⁵⁴²⁸






Laws and Regulations on the Worst Forms of Child Labor

The 2004 Ministerial Decree No. 56 sets the minimum working age at 15, but section 133 of the 2002 Child Rights Law establishes the minimum working age at 14.⁵⁴²⁹ According to the Government, Decree No. 56 does not repeal inconsistent sections in prior legislation; therefore, the actual legal minimum age for employment is uncertain.⁵⁴³⁰

The Labor Code prohibits hazardous work for children under age 15, but exempts all persons working in agriculture, domestic service, and children working with their families provided conditions are “suitable,” a term which is not defined by the Labor Code.⁵⁴³¹ By contrast, Decree No. 56 prohibits hazardous work for those under age 18 without exception.⁵⁴³² The Decree also states that children between ages 13 and 15 years may engage in light work, which is not specifically defined. The Decree does not specify the minimum working age for apprentices.⁵⁴³³ The Decree also does not contain sanctions for hazardous work violations.⁵⁴³⁴

The Child Rights Law protects children under age 18 from economic exploitation and Ministerial Decree No. 56 states that worst forms of child labor must be eliminated (including prostitution, pornography, forced labor, child soldiers, illicit activities, and trafficking) and defines the penalties for inciting children into illegal activity, child prostitution, and child trafficking.⁵⁴³⁵ The Child Rights Act prohibits the incitement of a child into prostitution, and Ministerial Decree No. 56 stipulates prison sentences for those who force children into prostitution or sell children. Ministerial Decree No. 56 also prohibits inciting

children to engage in drug trafficking.⁵⁴³⁶ Republican Decree No. 12/1994 prohibits using children in begging. The law also prohibits forced or compulsory labor for all persons including children.⁵⁴³⁷ Yemen does not have compulsory military recruitment and the voluntary recruitment age is 18.⁵⁴³⁸

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	14/15
	Minimum Age for Hazardous Work	15/18
	Compulsory Education Age	14
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The National Steering Committee to Combat Child Labor is responsible for coordinating all child labor issues. This committee consists of representatives from the Ministry of Social Affairs and Labor, the Higher Council for Motherhood and Childhood (HCMC), the Chamber of Commerce, ILO-IPEC, and local NGOs.⁵⁴³⁹ In October 2009, the Child Labor Steering Committee met for the first time in two years.⁵⁴⁴⁰ In addition, the Higher Council for Motherhood and Childhood addresses child protection, including child labor.⁵⁴⁴¹ The Council holds regular meetings and conducts trainings.⁵⁴⁴² In addition, the Children's Parliament of Yemen continues to advocate against exploitive child labor and child trafficking.⁵⁴⁴³

MOSAL's Child Labor Unit (CLU) is responsible for enforcing child labor laws. The CLU has 20 child labor inspectors throughout the country.⁵⁴⁴⁴ In 2008, the Government of Yemen reported that the CLU visited

5,041 working children, placing 341 of those children in school and transitioning 541 of those children to light work.⁵⁴⁴⁵ There is no available information on the steps that the CLU took to ensure the safety of the other child laborers. Child labor inspectors have received training in the relevant ILO conventions, the Yemeni laws on child labor, monitoring techniques, and the problems faced by child laborers.⁵⁴⁴⁶ In 2009, the CLU eliminated travel funds for its child labor inspectors, preventing them from performing site visits.⁵⁴⁴⁷ The Government admits that a lack of resources hampers child labor law enforcement.⁵⁴⁴⁸

The HCMC works with MOLSA and the Ministries of Human Rights, Justice, and Legal Affairs to combat child trafficking.⁵⁴⁴⁹ Government-affiliated press reported that from January through June 2009, security forces captured 26 child traffickers in Hajja attempting to traffic 180 children to Saudi Arabia. The rescued children were sent to Haradh Child Protection Center.⁵⁴⁵⁰ In December 2009, five Yemeni children who had been trafficked to Saudi Arabia for forced begging were repatriated.⁵⁴⁵¹ Police stationed at border crossings were trained in how to deal with trafficked children.⁵⁴⁵²

Government Policies on the Worst Forms of Child Labor

The 2005 National Policy and Program Framework (NPPF) for the Eradication of Child Labor and Elimination of its Worst Forms was developed by the MOSAL in cooperation with ILO-IPEC and the HCMC.⁵⁴⁵³ The NPPF aims to harmonize domestic legislation with international standards regarding child labor, strengthen national capacity, and increase awareness.⁵⁴⁵⁴ The NPPF has been delayed due to a lack of effective coordination, including information sharing and documentation, amongst various ministry agencies and other stakeholders. NPPF stakeholders have not conducted any meetings or allocated any funds since 2005.⁵⁴⁵⁵

The Government developed the National Action Plan (NAP) to Combat Child Smuggling in 2007, which aims to prevent child trafficking.⁵⁴⁵⁶ The policy includes provisions on law reform, awareness raising, and training activities.⁵⁴⁵⁷ As part of the NAP, UNICEF trained imams on the risks and dangers of

child trafficking so that they can disseminate this information during their religious Friday services. MOSAL trained taxi and small bus drivers in target cities on child trafficking.⁵⁴⁵⁸ In addition, MOSAL, UNICEF and IOM established rehabilitation centers for trafficked children in Haradh and Sana'a.⁵⁴⁵⁹ The Government provided medical and psychological services for child trafficking victims and arranged for free medical care for trafficked children and child laborers at a hospital in Sana'a.⁵⁴⁶⁰ In early 2010, Yemen and Saudi Arabia officials held talks on coordinating mutual cooperation in combating child labor.⁵⁴⁶¹

The Government has also incorporated child labor into its other national policies, including its Third Five-Year Plan (TFYP) and the National Action Plan for Children. The TFYP incorporates child labor into its provisions on childhood and youth strategy, labor force unemployment, education, illiteracy, and vocational training.⁵⁴⁶² The National Action Plan for Children has four components: inclusive education, school health and nutrition, increasing the number of female teachers and addressing girls' education, and protecting disadvantaged children. The plan has identified responsible agencies to address each component.⁵⁴⁶³ By incorporating disadvantaged children into the National Action Plan, the Government of Yemen has targeted those most at risk for worst forms of child labor.

The Government of Yemen does not have policies in place specifically on the elimination of child soldiers, despite reports indicating children participation in many government-related and non-state militia groups.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Since 2000, the Government of Yemen has participated in the implementation of programs to eliminate child labor through partnerships with international and domestic organizations and foreign aid agencies. The Government participated in a \$1.4 million national program funded by USDOL which withdrew 2,604 and prevented 1,330 children from working in urban and rural areas through the provision of education and vocational training opportunities.⁵⁴⁶⁴ The Government also participated in a \$3 million USDOL-funded project in Lebanon and Yemen to withdraw and prevent 1,596 children from hazardous work.⁵⁴⁶⁵

The Government is currently participating in a USDOL-funded \$3.5 million project to combat child labor through education in Yemen (2008-2011). The project targets 7,100 children working in hazardous agriculture and fisheries, trafficking, and commercial sexual exploitation for educational and vocational training services.⁵⁴⁶⁶ The Government has allocated \$78,800 for activities related to combating child labor as part of this project.⁵⁴⁶⁷

The Government provides support to victims of the worst forms of child labor through protection and

rehabilitation centers for child victims of smuggling, follow-up services for former child workers, and safe childhood centers for street children.⁵⁴⁶⁸ There are two centers for victims of smuggling that offer psychological support and health care as well as shelter for up to 1 month.⁵⁴⁶⁹ In 2009, 427 children accessed services from these centers.⁵⁴⁷⁰ Safe childhood centers have been established in Sana'a City, Aden, and Ta'izz. These centers provide street children with rehabilitation services and assistance them in reuniting with their families.⁵⁴⁷¹

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Yemen:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend Ministerial Decree No. 56, Labor Code No. 5, and Law No. 45 on the Rights of the Child (Child Rights Law) to address inconsistencies in the minimum age for work and hazardous work and to adequately define hazardous work.
- Amend Ministerial Decree No. 56 to define light work and establish minimum age for apprenticeships.

IN THE AREA OF ENFORCEMENT:

- Ensure that there is sufficient funding for inspections to be carried out throughout the country and that inspections are targeted in the sectors where the worst forms of child labor are prevalent.

IN THE AREA OF POLICY:

- Implement the National Policy and Program Framework for the Eradication of Child Labor and Elimination of its Worst Forms by conducting stakeholder meetings and allocating funds.
- Discontinue the use of children in armed conflict and institute criminal penalties for violations of the law.

IN THE AREA OF PROGRAMS:

- Expand child labor programs to target the most prevalent worst forms of child labor including hazardous agriculture, domestic service, and child soldiering.

⁵⁴⁰⁹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children and school attendance are from 2006. Data on children combining working and schooling are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For

more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁴¹⁰ Hamed Thabet, "Yemen Plans to Protect Children from Hazardous Jobs", [online], February 27, 2009 2009; available from http://www.yementimes.com/defaultdet.aspx?SUB_ID=24771.

⁵⁴¹¹ ILO, UNICEF, and World Bank, *Understanding Children's Work in Yemen*, Geneva, March 2003, 3, 22; available from http://www.ucw-project.org/resources/pdf/yemen/Report_Yemen_draft.pdf. See also Thabet, "Yemen Times, Yemen Plans to Protect Children from Hazardous Jobs".

⁵⁴¹² U.S. Embassy- Sana'a, *reporting*, January 19, 2009, para 4. See also ILO, UNICEF, and World Bank, *Understanding Children's Work in Yemen*, 21. See also Thuria Ghaleb, "Child labor still plagues Yemen, says Children's Parliament", *Yemen Observer*, [online], August 14, 2007; available from <http://www.yobserver.com/local-news/10012761.html>. See also Amel Al- Ariqi, "Poor education system feeds child labor in Yemen", *ReliefWeb*, [online], December 13, 2009; available from <http://www.reliefweb.int/rw/rwb.nsf/db900sid/AZHU-7YR8CQ?OpenDocument>, The Yemen Observer. See also End Child Labor, *Child Labor by Industry or Occupation*, accessed March 1, 2010; available from http://www.endchildlabor.org/db_infoBank.cfm?Action=View. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Yemen*, CRC/C/15/Add.267, September 21, 2005, para 65(b); available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/1296a4127ff7b38ac1257018002e6633?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/1296a4127ff7b38ac1257018002e6633?Opendocument). See also Hamed Thabet, "Poor Yemeni Girls Face Job Risks", *Yemen Times online*, [online], December 8, 2009; available from <http://www.yementimes.com/DefaultDET.aspx?i=1155&p=report&a=2>. See also CHF International, *CHF International Yemen ACCESS-Plus Baseline Report*, 2009, 33.

⁵⁴¹³ Al- Ariqi, "Yemen Times, Poor education system feeds child labor in Yemen".

⁵⁴¹⁴ Thabet, "Yemen Times, Yemen Plans to Protect Children from Hazardous Jobs".

⁵⁴¹⁵ *Ibid.*

⁵⁴¹⁶ *Ibid.*

⁵⁴¹⁷ *Ibid.*

⁵⁴¹⁸ CHF International, *CHF International Yemen ACCESS-Plus Baseline Report*.

⁵⁴¹⁹ U.S. Department of State, "Yemen (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also U.S. Embassy- Sana'a, *reporting*, February 17, 2009, para 23b.

⁵⁴²⁰ U.S. Department of State, "Trafficking in Persons Report- 2010: Yemen." See also Salma Ismail, "Yemen child trafficking to increase in Ramadan," *Yemen Times online*, *Yemen Times*, August 20, 2009; available from <http://www.yementimes.com/DefaultDET.aspx?i=1287&p=front&a=1>.

⁵⁴²¹ U.S. Department of State, "Trafficking in Persons Report- 2010: Yemen."

⁵⁴²² U.S. Embassy- Sana'a, *reporting*, February 17, 2009.

⁵⁴²³ U.S. Department of State, "Trafficking in Persons Report- 2010: Yemen."

⁵⁴²⁴ Integrated Regional Information Networks, "Yemen:

Child trafficking to Saudi Arabia down in 2009", [online], January 25, 2010; available from <http://www.irinnews.org/Report.aspx?ReportId=87859>.

⁵⁴²⁵ U.S. Embassy- Sana'a, *reporting*, February 7, 2009. See also U.S. Embassy- Sana'a, *reporting*, January 19, 2009, para 4.

⁵⁴²⁶ U.S. Embassy- Sana'a, *reporting*, February 17, 2009. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Yemen."

⁵⁴²⁷ United Press International, *Yemen's child soldiers go to war*, [online] January 6, 2010 [cited January 14, 2010]; available from http://www.upi.com/Top_News/Special/2010/01/06/Yemens-child-soldiers-go-to-war/UPI-89571262808410/.

⁵⁴²⁸ *Ibid.* See also U.S. Embassy- Sana'a, *reporting*, December 15, 2009. See also Integrated Regional Information Networks, "Yemen: Child soldiers used by both sides in northern conflict - NGOs", *IRINnews.org*, [online], December 9, 2009; available from <http://www.irinnews.org/Report.aspx?ReportId=87391>.

⁵⁴²⁹ Ministry of Social Affairs and Labor, *Ministerial Decree No. 56 for 2004*, (December 28, 2004), article 5. See Also ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Yemen (ratification: 2000)*, [online] 2008 2008 [cited January 26, 2010]; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21649&chapter=9&query=\(yemen\)+@ref+%2B+%23YEAR%3D2008&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21649&chapter=9&query=(yemen)+@ref+%2B+%23YEAR%3D2008&highlight=&querytype=bool&context=0).

⁵⁴³⁰ ILO Committee of Experts, *Individual Direct Request C138: Yemen (2008)*.

⁵⁴³¹ Government of the Republic of Yemen, *Presidential Legislative Order to promulgate the Labour Code, Act No. 5 of 1995*, (1995), articles 2, 49(4), 53; available from <http://www.ilo.org/dyn/natlex/docs/WBTEXT/44043/65001/E95YEM01.htm>.

⁵⁴³² Ministry of Social Affairs and Labor, *Ministerial Decree No. 56*, article 4. See also ILO Committee of Experts, *Individual Direct Request C138: Yemen (2008)*, article 2.1, 2.1.1.

⁵⁴³³ Ministry of Social Affairs and Labor, *Ministerial Decree No. 56*, article 6. See also ILO Committee of Experts, *Individual Direct Request C138: Yemen (2008)*, articles 6, 7.

⁵⁴³⁴ ILO Committee of Experts, *Individual Direct Request C138: Yemen (2008)*, articles 2.1, 3.1.

⁵⁴³⁵ Ministry of Social Affairs and Labor, *Ministerial Decree No. 56*, articles 26-29.

⁵⁴³⁶ *Ibid.*, article 26.

⁵⁴³⁷ U.S. Department of State, *Yemen*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136083.htm>.

⁵⁴³⁸ Coalition to Stop the Use of Child Soldiers, “Yemen,” in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.child-soldiers.org>.

⁵⁴³⁹ CHF International, *Alternatives to Combat Child Labor through Education and Sustainable Services ACCESS-Plus, Yemen*, Technical Progress Report, April 3, 2009, 4.

⁵⁴⁴⁰ CHF International, *Alternatives to Combat Child Labor Through Education and Sustainable Services ACCESS-Plus Yemen* February 28, 2010, 25.

⁵⁴⁴¹ UN Committee on the Rights of the Child, *Written Replies by the Government of the Republic of Yemen to the List of Issues (CRC/C/OPSC/YEM/Q/1)* August 7, 2009, para 5; available from <http://www2.ohchr.org/english/bodies/crc/crcs52.htm>.

⁵⁴⁴² CHF International, *CHF International Yemen ACCESS-Plus Baseline Report*, 14.

⁵⁴⁴³ U.S. Department of State, “Yemen (Tier 2 Watch List),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123139.htm>.

⁵⁴⁴⁴ U.S. Embassy- Sana’a, *reporting, January 19, 2009*, para 6. See also Thabet, “Yemen Times, Yemen Plans to Protect Children from Hazardous Jobs”. See also CHF International, *CHF International Yemen ACCESS-Plus Baseline Report*, 13.

⁵⁴⁴⁵ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Yemen (ratification: 2000)*, [online] 2008 [cited January 22, 2010], article 5; available from [http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloen&document=21928&chapter=9&query=\(yemen\)+@ref+%2B+%23YEAR%3E2004&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloen&document=21928&chapter=9&query=(yemen)+@ref+%2B+%23YEAR%3E2004&highlight=&querytype=bool&context=0).

⁵⁴⁴⁶ CHF International, *CHF International Yemen ACCESS-Plus Baseline Report*, 13.

⁵⁴⁴⁷ CHF International, *ACCESS-Plus, Technical Progress Report, April 3, 2009*, 4. See also U.S. Department of State, “Trafficking in Persons Report- 2009: Yemen.”

⁵⁴⁴⁸ ILO, UNICEF, and World Bank, *Understanding Children’s Work in Yemen*, 31.

⁵⁴⁴⁹ U.S. Embassy- Sana’a, *reporting*, February 15, 2010.

⁵⁴⁵⁰ Ibid.

⁵⁴⁵¹ Integrated Regional Information Networks, “IRIN News, Child trafficking to Saudi Arabia down in 2009”.

⁵⁴⁵² U.S. Embassy- Sana’a, *reporting, February 15, 2010*.

⁵⁴⁵³ CHF International, *CHF International Yemen ACCESS-Plus Baseline Report*, 13.

⁵⁴⁵⁴ ILO-IPEC, *Supporting the National Policy and Programme Framework for the Elimination of the Worst Forms of Child Labour in Lebanon and Yemen*, Technical Progress Report, RAB/04/P51/USA, March 2008, 1.

⁵⁴⁵⁵ CHF International, *CHF International Yemen ACCESS-Plus Baseline Report*.

⁵⁴⁵⁶ Ibid., 13-14.

⁵⁴⁵⁷ Ibid.

⁵⁴⁵⁸ U.S. Department of State, “Trafficking in Persons Report- 2009: Yemen.”

⁵⁴⁵⁹ CHF International, *ACCESS-Plus, Technical Progress Report, April 3, 2009*, 5. See also U.S. Embassy- Sana’a, *reporting, February 9, 2009*, para 5. See also CHF International, *CHF International Yemen ACCESS-Plus Baseline Report*, 13, 14. See also Integrated Regional Information Networks, “IRIN News, Child trafficking to Saudi Arabia down in 2009”.

⁵⁴⁶⁰ U.S. Embassy- Sana’a, *reporting, February 17, 2009*, para 26c.

⁵⁴⁶¹ Yemen Observer staff, “Yemen, Saudi Arabia Discuss Combating Child Labor,” *Yemen Observer*, January 19, 2010; available from <http://www.yobserver.com/local-news/10017990.html>.

⁵⁴⁶² ILO-IPEC, *Supporting the National Policy and Programme Framework (NPPF) for the Elimination of the Worst Forms of Child Labour (WFCL) in Lebanon and Yemen*, Final Technical Progress Report, Geneva, August 15, 2008, 4.

⁵⁴⁶³ Ibid.

⁵⁴⁶⁴ U.S. Department of Labor, *National Program on the Elimination of Child Labor in Yemen*, Technical Cooperation Project Summary, 2005.

⁵⁴⁶⁵ U.S. Department of Labor, *Supporting the National Policy and Program Framework for the Elimination of the Worst Forms of Child Labor in Lebanon and Yemen*, Technical Cooperation Project Summary, 2008.

⁵⁴⁶⁶ U.S. Department of Labor, *Alternatives to Combat Child Labor through Education and Sustainable Services-Plus*, Technical Cooperation Project Summary, 2008.

⁵⁴⁶⁷ UN Committee on the Rights of the Child, *Written Replies of Gov’t of Yemen to CRC/C/OPSC*, para 4.

⁵⁴⁶⁸ Ibid., 15-21.

⁵⁴⁶⁹ Ibid., 15.

⁵⁴⁷⁰ Ibid.

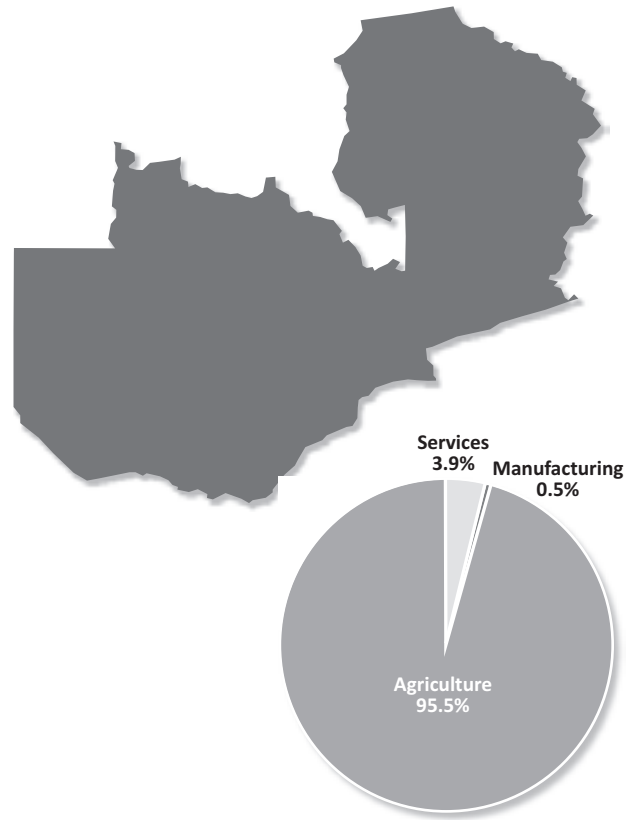
⁵⁴⁷¹ Ibid., 21.

Zambia

The Government of the Republic of Zambia published a national anti-trafficking plan in 2009; however, it has not adopted the draft hazardous child labor list or prioritized the prevention and elimination of the worst forms of child labor in major development policies. Children continue to work in dangerous labor, in agriculture, herding, mining, and on the streets. Education is not mandatory, leaving children under 15, who cannot work legally, vulnerable to the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	33.4%
Attending School	5-14 yrs.	63.8%
Combining Work and School	7-14 yrs	35.5%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Zambia are exploited in the worst forms of child labor,⁵⁴⁷² primarily in agriculture.⁵⁴⁷³ Children help produce tobacco, tea, and cotton, and they are often exposed to dangerous pesticides and fertilizers, bites from snakes and other animals, and injuries from carrying heavy loads and using dangerous tools and machinery.⁵⁴⁷⁴ Boys are contracted out by their parents to work as herders, in some cases for years. They are exposed to waste, diseases, and attacks from animals.⁵⁴⁷⁵ Children perform other dangerous work, including construction and forestry. They are injured carrying firewood and water, are denied food, and are subject to loud noise, excessive hours, smoke inhalation, and burns.⁵⁴⁷⁶ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of maize, coffee, tea, fish, and charcoal.⁵⁴⁷⁷

Children working as domestic servants or as servers in bars also work long hours and carry heavy loads.⁵⁴⁷⁸

Children in Zambia work in mining, primarily in small artisanal and traditional mines, where they extract emeralds, amethyst, aquamarines, tourmalines, and garnets; mine and process lead, zinc, and copper ore; crush stones; and scavenge mine dump sites for residual gems.⁵⁴⁷⁹ These children work long hours, are exposed to extreme heat and dangerous chemicals, and suffer injuries including cuts and broken bones from flying rocks and tools, impaired vision from wounds and night work, and silicosis and other respiratory problems from contact with dust.⁵⁴⁸⁰

Other worst forms of child labor exist in Zambia. Children engage in prostitution at transit hubs, along highways, and elsewhere.⁵⁴⁸¹ In urban areas, many orphans and vulnerable children work and beg in the streets.⁵⁴⁸² Street children may be exposed to health and safety risks such as severe weather, vehicular accidents, and exploitation by criminal elements.

Child trafficking continues to be a problem in Zambia. Children in agriculture, herding, and domestic service often fall victim to internal trafficking, sometimes in exchange for money, goods, and gifts






to family members.⁵⁴⁸³ Children from rural areas are trafficked into forced labor and domestic servitude in urban areas, where they may be beaten, starved, and physically and psychologically abused.⁵⁴⁸⁴ In urban areas, girls engaged in domestic service may initially expect to attend school in exchange for their work but are often prevented from going to school and denied pay.⁵⁴⁸⁵ Some Zambian children are also trafficked to Malawi for commercial sexual exploitation or to Angola for forced labor.⁵⁴⁸⁶

Laws and Regulations on the Worst Forms of Child Labor

The Constitution and the Employment Act set the minimum age for employment at 15.⁵⁴⁸⁷ The Apprenticeship Act regulates the employment of minors as apprentices but does not include a minimum age for apprenticeships or specify the types of work that apprentices can perform. The Employment of Children and Young Persons Act bars children under 18 from engaging in hazardous labor.⁵⁴⁸⁸ While the Government has drafted a hazardous labor list, this list has yet to be adopted. Furthermore, the Government has yet to mandate a compulsory education age, making children under 15 particularly vulnerable to the worst forms of child labor.

The Employment of Young Persons and Children Act specifically prohibits the worst forms of child labor, including child prostitution; slavery; forced military recruitment of children; and work harmful to the safety, health, or morals of children and young people.⁵⁴⁸⁹ The Juveniles Act of 1956 specifically prohibits the use or procurement of children under the age of 16 for the purposes of begging.⁵⁴⁹⁰ The Constitution, the Penal Code, and the Anti-Human Trafficking Act of 2008 prohibit forced labor and the trafficking of children, while the Constitution and Penal Code both prohibit slavery.⁵⁴⁹¹ The Penal Code also prohibits pornography, prostitution, and the sexual harassment of a child in the workplace.⁵⁴⁹² However, the penalties for child prostitution violations in the Employment of Young Persons and Children Act are different from those in the Penal Code.⁵⁴⁹³

In addition, some of the Penal Code's prohibitions against the sexual exploitation of children do not apply to children above age 16.⁵⁴⁹⁴

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Security (MLSS) serves as chair of the National Steering Committee on Child Labor, which monitors and develops policies on the worst forms of child labor. The MLSS Child Labor Unit (CLU) provides technical expertise and coordinates all worst forms of child labor activities and programs to eliminate child labor in Zambia, including the activities of 16 district child labor committees throughout the country. These committees create awareness on the worst forms of child labor and monitor the implementation of child labor programs at the district and village levels.⁵⁴⁹⁵ The MLSS works closely with the Ministry of Youth, Sport, and Child Development (Directorate of Child Affairs); the Zambia Police Service Victims' Support Unit (VSU); the Joint Child Protection Unit; the Ministry of Justice; the Ministry of Community Development and Social Services (MCDSS); the Child Protection Unit and District Street Children Committee; and the Drug Enforcement Commission.⁵⁴⁹⁶

MLSS labor inspectors inspect workplaces including individual households and agricultural fields and investigate child labor complaints. Violators of child labor laws receive counseling or are fined.⁵⁴⁹⁷ District

level MLSS officers are also responsible for mediating labor disputes between employers and workers.⁵⁴⁹⁸ No information is available on the number of child labor cases investigated, or violations penalized in 2009.

The Government's Ministry of Home Affairs leads an Inter-Ministerial Committee on Human Trafficking, which coordinates and shares information on trafficking issues among government agencies.⁵⁴⁹⁹ Members include Zambia's police, immigration authorities, the Ministry of Justice, the Ministry of Labor and Social Security, and the Ministry of Education.⁵⁵⁰⁰ The Committee also established a Secretariat which is responsible for monitoring, and developing strategies to implement the National Plan of Action Against Human Trafficking. The Secretariat also cooperates with international organizations to design training plans for government officials.⁵⁵⁰¹

The Child Protection Unit leads enforcement of labor-related trafficking laws, while the Zambian Police Service's Victims' Support Unit handles all other forms of trafficking.⁵⁵⁰² The Ministry of Community Development and Social Services provides assistance to child trafficking victims and keeps rescued victims under protective custody.⁵⁵⁰³ Child trafficking complaints are made through a central number at each ministry.⁵⁵⁰⁴ In 2009, 26 cases of trafficking involving children under 18 were reported to IOM.⁵⁵⁰⁵ Training on the investigation of child trafficking cases and ILO conventions was provided to Victims' Support Unit staff, police, local court justices, prosecutors, magistrates, labor officers, and immigration authorities.⁵⁵⁰⁶

Government Policies on the Worst Forms of Child Labor

The Government of Zambia's Fifth National Development Plan (2006-2011) and Decent Work Country Program (2007-2011) include the eradication of the worst forms of child labor as a goal.⁵⁵⁰⁷ The Government of Zambia's National Employment and Labor Market Policy proposes interventions for the elimination of the worst forms of child labor in agriculture through health and education services aimed at preparing young people for decent and productive work.⁵⁵⁰⁸ The Child Labor Policy summarizes legislation related to children and provides guidelines for child protection. Zambia has not yet

adopted a draft statutory instrument codifying the worst forms of child labor.⁵⁵⁰⁹ The Government also published a National Plan of Action for the Timebound Elimination of the Worst Forms of Child Labor and supporting provincial action plans for each province in Zambia.⁵⁵¹⁰ The Government contributed to the drafting of the ILO-IPEC-coordinated National Plans of Action to Combat Child Domestic Labor and to Eliminate Child Labor in Mining.⁵⁵¹¹

The Government's Technical Education and Vocational Training Authority developed a strategic plan including protections for working children.⁵⁵¹² The Government published a national Anti-Trafficking Plan of Action in 2009.⁵⁵¹³

A number of policies in Zambia that could benefit working children do not currently focus on the worst forms of child labor. These include the Poverty Reduction Strategy Paper (2007), the National Youth Policy (2006), the National Strategy on Children, Youth, and Sports Development (2006), the National Employment and Labor Market Policy (2005), and the UN Development Assistance Framework (2011-16).⁵⁵¹⁴

Between 2008 and 2010, the government collected data on child labor.⁵⁵¹⁵ The Government produced two interagency reports presenting research findings conducted in collaboration with the international UCW Program. The Government conducted a Labor Force Survey; however, Zambia's Central Statistics office has yet to release the survey data.⁵⁵¹⁶ The results of this survey will assist the Government in measuring the impact of its efforts to eradicate the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Zambia has participated in several donor-funded projects, including projects targeting children exploited in agriculture and children affected by the HIV/AIDS epidemic, who were at-risk or engaged in the worst forms of child labor. These projects include a \$3.9 million USDOL-funded project to support a national Timebound Program, which withdrew and prevented 11,445 children from exploitive work through the provision of education and vocational training.⁵⁵¹⁷ Another project withdrew 1,885 and prevented 1,483 children in Zambia from

worst forms of child labor and developed tools and training materials to mainstream HIV/AIDS issues into child labor policies and programs.

The Zambian Government currently participates in the 4-year, \$23.8 million European Commission-funded TACKLE Project to combat child labor through education in 11 countries, including Zambia.⁵⁵¹⁸ Many activities started under the USDOL-funded child labor programs have been continued through this project. Zambia's MCDSS assists 10,000 families through a social cash transfer program which provides funds on the condition that they send their children to school rather than work.⁵⁵¹⁹ Despite its current size, the scale of the social cash transfer program is not sufficient to reach all Zambian children engaged in or vulnerable to the worst forms of child labor.

During the reporting period, the Ministry of Education and teachers from institutions of higher education finalized a yearlong curriculum to teach children about the worst forms of child labor.⁵⁵²⁰ The Government also trained teachers on child labor and awarded grants

to NGOs for small-scale infrastructure improvement, school materials, recreation equipment, and supplementary feeding programs for street children.⁵⁵²¹ The Ministry of Sport, Youth, and Development supports recreation centers and the government also operates two camps for street children, which reunite some children with their families and provide others with support from the Ministry of Science, Technology, and Vocational Training to continue their education.⁵⁵²²

The Government of Zambia has programs to combat child trafficking and provides counseling and protection to trafficking victims.⁵⁵²³ It refers victims of trafficking to NGO shelters, but it has not yet made progress in constructing its own shelters.⁵⁵²⁴ With the One UN Joint Program and United States support, the Government of Zambia mobilizes local leaders on anti-trafficking efforts, conducts public awareness campaigns, and provides technical assistance to reduce the incidence of human trafficking and to build their capacity to identify and respond to trafficking cases in the country.⁵⁵²⁵

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Zambia:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to ensure that education is compulsory for all children.
- Adopt the list of hazardous occupations forbidden for children and extend this to apprentices.
- Harmonize legislation to ensure that penalties for child prostitution are consistent.
- Amend the Penal Code to protect children above the age of 16 from sexual exploitation.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Publish statistics on child labor enforcement.

IN THE AREA OF POLICY:

- Implement the National Plan of Action for the Timebound Elimination of the Worst Forms of Child Labor that provides a comprehensive strategy to combat all worst forms of child labor by 2016.
- Publish the results of the 2008 Labor Force Survey.
- Incorporate goals and strategies for the prevention and elimination of the worst forms of child labor into major development policies.

IN THE AREA OF PROGRAMS:

- Expand the scope of programs to address the worst forms of child labor.

⁵⁴⁷² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁵⁴⁷³ ILO-IPEC, *Support to the Development and Implementation of Timebound Measures Against the WFCL in Zambia*, Project Document, ZAM/06/P50/USA, Geneva, September 14, 2006, 9. See also Betniko Kayaya, "Zambia: Tackling Child Labor in Zambia", AllAfrica.com, [online], January 3, 2008 [cited May 26, 2010]; available from <http://allafrica.com/stories/printable/200806030382.html>. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010*, [online] 2010 [cited May 25, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=822&chapter=3&query=Zambia%40ref%2B%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>. See also U.S. Department of State, "Zambia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135983.htm>.

⁵⁴⁷⁴ UCW, *Understanding children's work in Zambia*, May 2009, 26, 31, 34, 77. See also Plan International, *Gender Based Violence: A situation in Chadiza, Chibombo, Mansa and Mazabuka*, technical progress report, Lusaka, December 2005, 24. See also ILO-IPEC, *Rapid assessment report on HIV/AIDS and child labour [stated in six selected districts of Zambia: Lusaka, Luanshya, Livingstone, Kapiri Mposhi, Katete and Chipata]*, International Programme on the Elimination of Child Labour, Lusaka, July 17, 2007, vi, x. See also ILO-IPEC, *Support to Time Bound Measures in Zambia*, 9. See also Carron Fox and Zambia, *Investigating forced labour and trafficking: Do they exist in Zambia?* (Geneva, Switzerland: International Labour Office, Special Action Programme to Combat Forced Labour, 2008), 39.

⁵⁴⁷⁵ ILO-IPEC, *Rapid assessment report on HIV/AIDS and child labour [stated in six selected districts of Zambia: Lusaka, Luanshya, Livingstone, Kapiri Mposhi, Katete and Chipata]*, vi, x. Plan International, *Gender Based Violence: A situation in Chadiza, Chibombo, Mansa and Mazabuka*, 3, 19, 23.

⁵⁴⁷⁶ UCW, *Understanding children's work in Zambia*, 26, 67, 73. See also Plan International, *Gender Based Violence: A situation in Chadiza, Chibombo, Mansa and Mazabuka*, 3. See also ILO-IPEC, *Zambia: Child Labour Data Country Brief*, Geneva, January 4, 2008, 4; available from www.ilo.org/ipeinfo/product/download.do?type=document&id=7808. See also ILO-IPEC, *Support to Time Bound Measures in Zambia*, 9. See also Kayaya, "Zambia: Tackling Child Labor in Zambia". See also Chrispin Radoka Matenga, *Final Report: Rapid Assessment of Child Labour in Non Traditional Mining Sector in Zambia*, 2008; available from hardcopy.

⁵⁴⁷⁷ S.M.C. Hüsken, "First Roundtable Meeting on Fisheries, HIV/AIDS and Social Development. Mongu, Western Province, Zambia. Meeting report. Regional Programme Fisheries and HIV/AIDS in Africa: Investing in Sustainable Solutions," *The WorldFish Center. Project Report 1973* (2009), 18. See also Plan International, *Gender Based Violence: A situation in Chadiza, Chibombo, Mansa and Mazabuka*, 19, 25. See also ILO-IPEC, *Support to Time Bound Measures in Zambia*, 9. See also U.S. Embassy-Lusaka, *reporting*, February 8, 2010, para 3 (1d). See also UCW, *Understanding children's work in Zambia*, 26, 67, 73.

⁵⁴⁷⁸ UCW, *Understanding children's work in Zambia*, 26, 67, 73. See also Plan International, *Gender Based Violence: A situation in Chadiza, Chibombo, Mansa and Mazabuka*, 3, 19. See also ILO-IPEC, *IPEC Action*, 4. See also ILO-IPEC, *Support to Time Bound Measures in Zambia*, 9. See also Kayaya, "Zambia: Tackling Child Labor in Zambia". See also Matenga, *Final Report: Rapid Assessment of Child Labour in Non Traditional Mining Sector in Zambia*.

⁵⁴⁷⁹ Matenga, *Final Report: Rapid Assessment of Child Labour in Non Traditional Mining Sector in Zambia*, 10, 12, 44-47.

⁵⁴⁸⁰ ILO-IPEC, *Support to Time Bound Measures in Zambia*, 9. See also Kayaya, "Zambia: Tackling Child Labor in Zambia". See also Integrated Regional Information Networks, "Zambia: Children forced to a life of stone crushing", IRINnews.org, [online], April 24, 2006 [cited June 7, 2010]; available from <http://www.irinnews.org/Report.aspx?ReportId=58821>. See also Michael Wines, "Africa Adds to Miserable Ranks of Child Workers", *nytimes.com*, [online], August 24, 2006 [cited May 24, 2010]; available from http://www.nytimes.com/2006/08/24/world/africa/24zambia.html?_r=1. See also Matenga, *Final Report: Rapid Assessment of Child Labour in Non Traditional Mining Sector in Zambia*, 50, 51. See also Sifuniso Nyumbu and Birgitte Poulsen, "The Global Crisis and Rising Child Labor in Zambia's Mining Communities: Are We Facing a Downward Decent Work Spiral?," *ILO Global Job Crisis Observatory*, August 10, 2009, 2, 3.

⁵⁴⁸¹ UCW, *Understanding children's work in Zambia*, 29-30. See also Integrated Regional Information Networks, "Zambia: The repercussions of suspending aid", IRINnews.

org, [online], September 25, 2009 [cited June 14, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportID=86299>. See also U.S. Department of State, “Country Reports- 2009: Zambia,” section 6.

⁵⁴⁸² Integrated Regional Information Networks, “Zambia: Government fails to break the street kid addiction”, IRINnews.org, [online], June 12, 2008 [cited January 23, 2009]; available from <http://www.irinnews.org/Report.aspx?ReportID=78702>. See also U.S. Department of State, “Country Reports- 2009: Zambia,” section 6.

⁵⁴⁸³ Carron Fox, *Investigating forced labour and trafficking: Do they exist in Zambia?*, International Labor Organization, 2008, 15, 19. See also U.S. Department of State, “Zambia (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 16, 2010; available from <http://www.state.gov/documents/organization/142984.pdf>. See also ILO, *Forced labour and human trafficking: A toolkit for trade unions in Zambia*, Geneva, 2008, 38; available from Hardcopy.

⁵⁴⁸⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Zambia.” See Carron Fox, *Investigating forced labour and trafficking: Do they exist in Zambia?*, 38.

⁵⁴⁸⁵ Carron Fox, *Investigating forced labour and trafficking: Do they exist in Zambia?*

⁵⁴⁸⁶ Ibid., 57. See also ILO, *Forced labour and human trafficking: A toolkit for trade unions in Zambia*, 10. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010*, article 3, part V.

⁵⁴⁸⁷ Government of Zambia, *Constitution of Zambia*, article 24; available from <http://unpan1.un.org/intrados/groups/public/documents/cafrad/unpan004847.pdf>. See also Government of Zambia, *Employment Act (Chapter 268 of the Laws of Zambia)*, III 12 1; available from <http://www.parliament.gov.zm/downloads/VOLUME 15.pdf>.

⁵⁴⁸⁸ Government of Zambia, *Employment of Young Persons and Children Act (Amendment)*, 2004, part I, section III; available from <http://www.parliament.gov.zm/downloads/VOLUME%2015.pdf>.

⁵⁴⁸⁹ Ibid., part I, article 2a. See also Government of Zambia, *Constitution of Zambia, 1991*, article 14.

⁵⁴⁹⁰ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010* [online] 2010 [cited May 25, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1712&chapter=16&query=Zambia%40ref%2BRequest%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>.

⁵⁴⁹¹ Government of Zambia, *Constitution of Zambia, 1991*, articles 14 and 24. See also Government of Zambia, *Anti-*

Human Trafficking Act, Lusaka, 2008. See also ILO-IPEC, *Support to Time Bound Measures in Zambia*, 5. See also Government of Zambia, *Act No. 15 of 2005 Act to amend the penal code*, (October 7, 2005), sect 143.

⁵⁴⁹² Government of Zambia, *Act No. 15 of 2005 Act to amend the penal code*, 137 a, 140.

⁵⁴⁹³ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010*, article 7, para 1.

⁵⁴⁹⁴ Government of Zambia, *Act No. 15 of 2005 Act to amend the penal code*, articles 131a and 138. See also UCW, *Understanding children's work in Zambia*, 29.

⁵⁴⁹⁵ ILO-IPEC, *Support to Time Bound Measures in Zambia*, 5, 7, 23, 52. See also ILO, *Labour Inspection Structure and Organization*, February 22, 2010, July 1, 2009; available from http://ilo.org/labadmin/info/lang--en/WCMS_1112936/index.htm. See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*. See also U.S. Embassy- Lusaka, *reporting*, January 16, 2009, section 5.

⁵⁴⁹⁶ U.S. Embassy- Lusaka, *reporting*, February 11, 2010. See also ILO Committee of Experts, *Individual Observation concerning Minimum Age Convention, 1973 (No. 138) Zambia (ratification: 1976) Published: 2010* [online] 2010 [cited May 25, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=647&chapter=3&query=Zambia%40ref%2BObservation%40ref%2B%23YEAR%3D2010&highlight=&querytype=bool&context=0>.

⁵⁴⁹⁷ U.S. Embassy- Lusaka, *reporting, February 8, 2010*.

⁵⁴⁹⁸ ILO-IPEC, *Support to Time Bound Measures in Zambia*, 13. See also ILO, *Forced labour and human trafficking: A toolkit for trade unions in Zambia*, 40. See also ILO, *Labour Inspection Structure and Organization*. See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*.

⁵⁴⁹⁹ U.S. Department of State, “Country Reports- 2009: Zambia,” section 5. See also ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010*. See also Carron Fox, *Investigating forced labour and trafficking: Do they exist in Zambia?*, 64.

⁵⁵⁰⁰ U.S. Department of State, “Country Reports- 2009: Zambia,” section 6.

⁵⁵⁰¹ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010*. See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*. See also ILO-IPEC, *Support to the Development and Implementation of Timebound Measures Against the WFCL in Zambia*, Final Technical Progress Report, ZAM/06/P50/ USA, Geneva, April 30, 2010.

⁵⁵⁰² U.S. Embassy- Lusaka, *reporting, February 11, 2010*, 8.

⁵⁵⁰³ Ibid., 24.

⁵⁵⁰⁴ U.S. Embassy- Lusaka, *reporting, February 8, 2010*, para 3.

⁵⁵⁰⁵ Ibid.

⁵⁵⁰⁶ U.S. Embassy- Lusaka, *reporting, January 16, 2009*, section 4f.

⁵⁵⁰⁷ Government of Zambia, *Fifth National Development Plan*, Lusaka, December 2006, 212, 228, 229-232; available from <http://www.imf.org/external/pubs/ft/scr/2007/cr07276.pdf>. See also U.S. Embassy- Lusaka, *reporting, January 16, 2009*, section 11. See also ILO-IPEC, *Support to the Development and Implementation of Timebound Measures Against the WFCL in Zambia*, Technical Progress Report, ZAM/06/P50/USA, Geneva, March 2008, 2. See also ILO, *Zambia Decent Work Country Programme DWCP 2007-2011*, Geneva, December 2007.

⁵⁵⁰⁸ UCW, *Understanding children's work in Zambia*, 57.

⁵⁵⁰⁹ ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*. See also ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*, 11.

⁵⁵¹⁰ ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*, 5. See also UCW, *Understanding children's work in Zambia*, 57. See also U.S. Embassy- Lusaka official, E-mail communication to USDOL official, November 2, 2010.

⁵⁵¹¹ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Zambia (ratification: 2001) Published: 2010*. See also Nyumbu and Poulsen, "The Global Crisis and Rising Child Labor in Zambia's Mining Communities: Are We Facing a Downward Decent Work Spiral?," 4. See also ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*, 10, 6.

⁵⁵¹² ILO-IPEC, *Identification and Documentation of Good Practices in Zambia: Timebound measures against the worst forms of child labour*, Geneva, January 2010, 8.

⁵⁵¹³ U.S. Embassy- Lusaka, *reporting, February 11, 2010*, section 7. See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*.

⁵⁵¹⁴ ILO, *Zambia Decent Work Country Programme DWCP 2007-2011*. See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*. See also UCW, *Understanding children's work in Zambia*, 57. See also ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*, 8.

⁵⁵¹⁵ USDOL official, Email communication to USDOL official, February 22, 2010.

⁵⁵¹⁶ U.S. Embassy- Lusaka, *reporting, February 8, 2010*. See also ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*, 11.

⁵⁵¹⁷ ILO-IPEC, *Support to Time Bound Measures in Zambia*, cover page, 5, 46.

⁵⁵¹⁸ ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*, 5. See also ILO, *Tackle child labour through education: moving children from work to school in 11 countries*, Geneva, 2009; available from <http://www.ilo.org/ipeinfo/product/download.do?type=document&id=8511>.

⁵⁵¹⁹ ILO-IPEC, *Identification and Documentation of Good Practices in Zambia: Timebound measures against the worst forms of child labour*, xiii. See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*.

⁵⁵²⁰ ILO-IPEC, *Support to Time Bound Measures in Zambia Final Technical Progress Report 2010*.

⁵⁵²¹ Mei Zegers, *Independent Evaluation of Combating Child Labor through Education in Zambia, Phase 2*, online, December, 2007, 12. See also Jesus Cares Ministries, *Post USDOL Support Report (Lusaka, Eastern, North Western and Copperbelt Provinces)*, Jesus Cares Ministries, Lusaka, May 2008.

⁵⁵²² U.S. Department of State, "Country Reports- 2009: Zambia." See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*, section 2f.

⁵⁵²³ U.S. Embassy- Lusaka, *reporting, February 11, 2010*. See also Carron Fox, *Investigating forced labour and trafficking: Do they exist in Zambia?* See also U.S. Embassy- Lusaka, *reporting, February 8, 2010*.

⁵⁵²⁴ U.S. Embassy- Lusaka official, E-mail communication, November 2, 2010.

⁵⁵²⁵ U.S. Department of State, "Trafficking in Persons Report- 2010: Zambia." See also IOM, *Zambia's Efforts to Counter Human Trafficking Boosted by European Support*, [online] 2009 [cited May 7, 2010]; available from <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce?entryId=26345>. See also ILO, *Support to the Government of Zambia for the Implementation of Policy and the National Plan of Action against Human Trafficking*, Geneva, n.d.; available from http://www.ilo.org/sapfl/Projects/lang--en/WCMS_116614/index.htm.

Zimbabwe

The Government has engaged with international organizations and NGOs in some efforts to combat the worst forms of child labor. However, children are found in a variety of worst forms, including dangerous work in agriculture and mining, forced labor and commercial sexual exploitation. The Government has not dedicated sufficient resources for labor inspections and research found no evidence of child labor or child trafficking enforcement activities.

Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable



Prevalence and Sector Distribution of the Worst Forms of Child Labor

Children in Zimbabwe are exploited in the worst forms of child labor.⁵⁵²⁶ In agriculture, they face occupational health and safety risks in the production of tea, cotton, and tobacco.⁵⁵²⁷ For example, they may use potentially dangerous machinery and tools, carry heavy loads, and apply toxic pesticides.⁵⁵²⁸

Children are exploited in diamond, gold, chrome, and tin mining including in the extraction of material from underground passages and quarries.⁵⁵²⁹ Children in mining work long hours in unhealthy and dangerous conditions. Child labor has been found in the military-controlled Marange diamond fields of Eastern Zimbabwe.⁵⁵³⁰

Other children work as domestic servants and may be exposed to long hours of work and physical or sexual exploitation.

An estimated 1.3 million Zimbabwean children are orphaned.⁵⁵³¹ Of these, around 100,000 survive on their own in child-headed households, often working

as street vendors.⁵⁵³² Children engaged in work on the street may be vulnerable to a variety of dangers, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminals. While there is no evidence that such practices occurred during the reporting period, some orphans have been rounded up by police and taken to farms where they are forced to work as unpaid laborers.⁵⁵³³

Children are trafficked within Zimbabwe to border towns and to the neighboring countries of Botswana, Mozambique, and South Africa where they suffer forced labor in agriculture and domestic service, and commercial sexual exploitation.⁵⁵³⁴ Specific reports concern girls as young as age 12 who are trafficked along the Zambezi River to the Mozambican port of Beira and to Central Mozambique,⁵⁵³⁵ and children from Zimbabwe who are sexually exploited by taxi and truck drivers in exchange for transportation to and across unofficial border crossings to South Africa.⁵⁵³⁶

Reports suggest that between 3,000 and 15,000 unaccompanied children from Zimbabwe move into and out of South Africa every month.⁵⁵³⁷ These children go in search of work harvesting crops on

plantations and small farms or work; or for work in urban areas as street vendors, domestics, hairdressers, and/or day-laborers loading and unloading materials.⁵⁵³⁸

Laws and Regulations on the Worst Forms of Child Labor

The Labor Relations Act sets the minimum age for employment at 15.⁵⁵³⁹ However, a child age 13 or 14 may work as an apprentice or perform work as part of training at a school or technical or vocational institution.⁵⁵⁴⁰ The Act prohibits employers from hiring a person under age 18 to perform hazardous work.⁵⁵⁴¹ Hazardous work is defined in the Children's Protection and Adoption Amendment Act of 2001 as any work that jeopardizes or interferes with education of a child; involves contact with hazardous substances, electronically-powered hand tools, cutting tools or grinding blades; involves underground mining; exposes a child to extreme heat, cold, or noise; or requires a child to work a night shift.⁵⁵⁴² It is not known if these provisions are applied in such a manner as to cover all types of work-related hazards to which children are exposed.

Zimbabwean law does not establish an age or period of study that is compulsory for all children. This creates an increased risk that children may fall into the worst forms of child labor as they are not required to be in school but are not legally permitted to work either.

Zimbabwe's Constitution prohibits forced labor, including forced child labor.⁵⁵⁴³

Provisions of the Sexual Offences Act, the Children's Act, and the Censorship and Entertainment Control Act prohibit sexual offenses against children, such as child pornography, prostitution, and other forms of child sexual abuse.⁵⁵⁴⁴ For example, they prohibit procuring an individual for prostitution either inside the country and acquiring a person to leave the country with the intention of engaging them in prostitution.⁵⁵⁴⁵ They also prohibit sexual relations with children under 16.⁵⁵⁴⁶ Prohibitions on sex trafficking are also made, but no more comprehensive prohibitions on trafficking could be identified.

The National Service Act of 1979 prohibits persons under age 18 from compulsory and voluntary military service.⁵⁵⁴⁷

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	No
	Free Public Education	No

Institutional Mechanisms for Coordination and Enforcement

The Government has a steering committee chaired by the Ministry of Public Service, Labor, and Social Welfare (MPSLW) to lead efforts to address the worst forms of child labor. The committee includes several government ministries, civil society groups such as workers' and employers' organizations, and international organizations.⁵⁵⁴⁸

The MPSLW is responsible for enforcing child labor laws.⁵⁵⁴⁹ However, the MPSLW has only two labor inspectors for all of Zimbabwe,⁵⁵⁵⁰ and they are responsible for labor violations other than child labor. Labor inspectors are hamstrung by lack of resources, including office facilities, transportation, fuel, and other necessities required to carry out inspection.⁵⁵⁵¹ During the reporting period, 2009, the MPSLW participated in an ILO-sponsored workshop to provide basic training to its labor inspectors.⁵⁵⁵²

No specific information regarding child labor inspection activity could be obtained.⁵⁵⁵³

The Ministry of Justice and Legal Affairs (MoJ) oversees all courts, including labor courts. The Zimbabwe Republic Police (ZRP) is responsible for enforcement against those worst forms of child labor that are criminal. The MOJ and ZRP share responsibility for enforcement of criminal laws relating to child labor with the MPSLSW.⁵⁵⁵⁴

During the reporting period, government officials participated in anti-trafficking awareness campaigns implemented by the International Office for Migration (IOM).⁵⁵⁵⁵

Information was not identified to indicate whether actions were taken by the MOJ and the ZRP to enforce criminal statutes on the worst forms of child labor or prosecute violators.⁵⁵⁵⁶

The Government of Zimbabwe has an inter-ministerial taskforce on trafficking in persons.⁵⁵⁵⁷ In 2009, however, there were no investigators, social workers or police officers dedicated to investigating child trafficking,⁵⁵⁵⁸ and the government did not prosecute any traffickers.⁵⁵⁵⁹

Government Policies on the Worst Forms of Child Labor

Pursuant to a Memorandum of Understanding with a number of international organizations, the Government, via the MPSLSW, established a steering committee to address child labor issues and the protection of working children.⁵⁵⁶⁰ A national policy articulated a guide for the subsequent implementation of action programs.⁵⁵⁶¹ The specific design of such programs was to have been informed by the findings and recommendations from a child labor study completed in 2008. The study findings have been shared with the ILO and other partners, but have not yet been made public.⁵⁵⁶²

Zimbabwe's UN Development Assistance Framework (ZUNDAF) 2007-2011 specifically addresses child labor in its poverty reduction, education, and other social policy objectives.⁵⁵⁶³ For example, as an indicator for measuring the education system's ability to retain students at all levels, statistics were to be kept on the number of districts holding monthly meetings to discuss child labor issues.

There is no entitlement to free education, and often prohibitively expensive school fees limit educational access.⁵⁵⁶⁴ In agricultural areas where plantations exist, some instances of abuse have been reported whereby a child who wishes to attend school must work to earn credits towards school fees.⁵⁵⁶⁵ Such "earn-and-learn schemes," where credits earned are based on a child's ability to meet a production quota, are typically voluntary.⁵⁵⁶⁶ In cases where the system is abused, children who fail to meet production quotas may be prohibited from attending school.⁵⁵⁶⁷

Social Programs to Prevent the Worst Forms of Child Labor

The Government has participated in international donor-funded and NGO-operated initiatives and programs to combat child labor. In 2007, the MPSLSW formalized agreements with 21 NGOs to provide programs to ensure that orphans and vulnerable children had access to education, food, health-care services and protection from abuse and exploitation.⁵⁵⁶⁸ In 2008, the Government and Save the Children-Norway donated land to the IOM, where it built a Child Care Center for orphaned children and victims of child trafficking along the border with South Africa.⁵⁵⁶⁹ The Government itself offers little other direct help to victims of trafficking and routinely refers them to NGOs and international organizations for assistance.⁵⁵⁷⁰ Information on Government funding contributions to such efforts in 2009 could not be obtained.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Zimbabwe:

IN THE AREA OF LAWS:

- Create and adopt a more specific list of hazardous occupations and activities for children.
- Establish a minimum age or specified length of study for compulsory education.
- Prohibit all forms of trafficking in persons.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Conduct, analyze, and disseminate information on the level and type of inspection activities to combat child labor, in order to target and possibly increase resources for more and better such activity.
- Dedicate additional personnel and resources to combat child trafficking and implement enforcement efforts.

IN THE AREA OF POLICY:

- Create an entitlement to free education.
- Redouble the efforts of the steering committee on child labor by analyzing and disseminating results of the 2008 child labor study, and providing appropriate resources to complete and implement a national action plan based on the study findings.

IN THE AREA OF PROGRAMS:

- Contribute resources to sustain effective donor-funded efforts to combat the worst forms of child labor and address gaps in service delivery to vulnerable children through government initiated and managed programs.

⁵⁵²⁶ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵⁵²⁷ U.S. Department of State, “Zimbabwe,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008>.

⁵⁵²⁸ Caiphas Chimhete, “Deperate Farmers Resort to Child Labour,” *Zim Standard* (Harare), February 6, 2006; available from http://www.zimbabwesituation.com/feb6_2006.html#Z16.

⁵⁵²⁹ U.S. Embassy- Harare, *reporting*, February 23, 2010. See also Human Rights Watch, *Blood Diamonds - Ask Before You Buy*, February 4, 2010; available from <http://hrw.org/en/africa/zimbabwe>.

⁵⁵³⁰ Human Rights Watch, *Diamonds in The Rough - Human Rights Abuses in the Marange Diamond Fields of Zimbabwe*, June 26, 2009; available from [http://www.hrw.org/reports/2009/06/26/diamonds in the rough](http://www.hrw.org/reports/2009/06/26/diamonds%20in%20the%20rough).

⁵⁵³¹ UNICEF, *Humanitarian Action Report 2010 - Eastern and Southern Africa Feature Story for Zimbabwe*, New York, 2010; available from http://www.unicef.org/har2010/index_zimbabwe_feature.html.

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